

**STAFF COMMENTS  
ON COMMERCIAL, SPORT, AND SUBSISTENCE  
FINFISH REGULATORY PROPOSALS  
FOR THE  
BRISTOL BAY AREA**



**Alaska Department of Fish and Game**

**Alaska Board of Fisheries Meeting  
Anchorage, Alaska**

**December 9-17, 2003**

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The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, December 9-17, 2003 in Anchorage, Alaska. Staff comments were prepared to assist the public and Board. The comments should be considered preliminary and subject to change as new information becomes available. Final Department positions will be formulated after review of written and oral testimony presented to the Board.

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## **COMMITTEE A: SALMON GEAR (15 Proposals)**

### **STACK PERMITS TO ALLOW PURSE SEINES, LONGER GILLNETS: Proposals 39, 43**

#### **PROPOSAL 39: Page 49. 5 AAC 06.330. Gear.**

WHAT WOULD THE PROPOSAL DO? Amend the gear regulations as follows:

- Two permits would be required to operate a seine net.
- The two gear types (seine/gillnet) would have a separate harvest allocation.
- The two gear types could fish separate openings.

WHAT ARE THE CURRENT REGULATIONS? The current gear types in Bristol Bay are set gillnets and drift gillnets. All districts except Togiak District have an allocation plan in place to distribute fish equitably (as determined by the Board of Fisheries (BOF)) between gear groups. Purse seines have not been a legal gear type in Bristol Bay.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Although allocation percentages have been set for many fishing districts, there is continuing conflict over fish distribution. Introducing a new gear type would introduce additional conflict between users. It is likely that drift and set gillnetters would not appreciate being combined into a single gillnet allocation since there is already between the two user groups.

BACKGROUND: Purse seines have not been used in Bristol Bay because of the technical difficulties presented by regional bathymetric characteristics. Additionally, there is a tradition of strong opposition towards purse seine introduction by most of the region's local stakeholders.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on the allocative aspects of this proposal. However, the Department does have some biological concerns regarding the impacts if this proposal was adopted. For example, to what extent could seines avoid catching chinook salmon while fishing sockeye salmon? A study by Rowse (1990) documented incidental chinook salmon catch in Southeast Alaska purse seine fisheries and discovered significant catch and high mortality rates. It is also important to consider that although allocation issues could be intensified; the use of purse seines in Bristol Bay might improve quality and lead to fewer "drop-outs."

COST ANALYSIS: The efficacy of purse seines in Bristol Bay might force gillnetters to purchase expensive upgrades to compete with quality and/or volume.

**PROPOSAL 43: Page 51. 5 AAC 06.331. (e). Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow a commercial drift gillnet fishing vessel in Bristol Bay with two people on board, that hold valid interim-use or entry permit cards for that gear, to use up to 200 fathoms of legal drift gillnet gear.

WHAT ARE THE CURRENT REGULATIONS? Current regulation limits the length of drift gillnet gear to no more than 150 fathoms per vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow an additional 50 fathoms of gear to be used when two current drift gillnet permit holders for Bristol Bay are on the same vessel when it is fishing.

BACKGROUND: The legal limit of gear per drift gillnet vessel has been 150 fathoms for over 20 years.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in any involuntary additional direct cost for a private person to participate in this fishery. The second permit holder may already have the additional 50 fathoms of gear, if not; however, 50 fathoms of gear may cost \$1,000.00.

## **SIGNAGE, MARKING REQUIREMENTS: Proposals 40, 45, 50**

### **PROPOSAL 40: Page 49. 5AAC 06.334 (c). Identification of gear.**

WHAT WOULD THE PROPOSAL DO? Eliminate the requirement for set gillnet operators to mark one cork, every 10 fathoms, along the cork line with the operator's five digit CFEC permit number.

WHAT ARE THE CURRENT REGULATIONS? Current regulations require set gillnet operators to mark one cork, every 10 fathoms, along the cork line with the operator's five digit CFEC permit number.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Individual set gillnet operators would no longer be required to mark corks on gillnets with the CFEC permit number.

BACKGROUND: Currently, both drift and set gillnet corks are required to be marked every 10 fathoms with the CFEC permit number of the fisherman operating the gear. This regulation is used by enforcement personnel to identify nets being fished illegally in closed waters or periods. Additionally, this regulation is critical in identifying set gillnet fishermen who operate over limits of gillnet gear.

DEPARTMENT COMMENTS: The Department of Public Safety **OPPOSES** this proposal. If this proposal were to pass, the only effective enforcement tool to detect set gillnet fishermen who fish over limits of gear would be lost.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 45: Page 53. 5AAC 06.334 (c). Identification of gear.**

WHAT WOULD THE PROPOSAL DO? Require set net fishermen in Bristol Bay to mark set net sites with “beach signs” displaying letters or numbers that are at least 18 inches high and 1 to 1.5 inches thick on a contrasting background.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, applicable to Bristol Bay, is 5 AAC 39.280 (a). This is a statewide regulation requiring set net operators to place their name and five-digit CFEC number in a conspicuous place near the set net. Numbers must be at least six inches in height with lines at least one inch wide in a color contrasting with the background. There is no size designated for letters.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Many set net operators would be required to produce new, larger signs to mark their set net sites.

BACKGROUND: The current, statewide marking requirements for set net sites have been in effect since at least 1993.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. There are no current enforcement or management concerns with the size of the numbers and letters on set net site marking signs.

COST ANALYSIS: Many set net operators would be required to produce new marking signs for their various fishing sites.

**PROPOSAL 50: Page 55. 5 AAC 06.343. (b). Vessel identification.**

WHAT WOULD THE PROPOSAL DO? As worded, this proposal would eliminate the permit holders five digit CFEC permit serial number from being written on the side of set net skiff greater than 14 feet.

WHAT ARE THE CURRENT REGULATIONS? Current regulation states that set net vessels over 14 feet must display the letter SN followed by the permit holder's five digit CFEC permit serial number.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED. This proposal could complicate enforcement of setnet limitations and identification of specific setnet permits and permit holders.

BACKGROUND: The current regulation has been on the books since 1992 and was adopted as an exemption to Bristol Bay setnet permit holders so they did not have to "register" their skiffs as commercial fishing vessels and display the required ADF&G number. This was adopted to save the setnet permit holders the vessel registration fees. Displaying the SN and the 5-digit CFEC permit number serves to help enforcement personnel identify specific setnet permit operations from a distance.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. The Alaska Department of Public Safety may have some comments.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **ALLOW VESSELS 34 FEET TO 36 FEET: Proposal 42**

### **PROPOSAL 42: Page 50. 5 AAC 06.341. (a). Vessel specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the legal vessel length from 32 feet to either 34 or 36 feet.

WHAT ARE THE CURRENT REGULATIONS? The current regulation limits vessel length to 32 feet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED. This proposal would allow vessels fishing for salmon in Bristol Bay to be up to 34 or 36 feet in length. In the author's opinion, increasing the vessel length would support improving catch quality and fishing safety.

BACKGROUND: The legal vessel length has been 32 feet since 1949, though there have been some descriptive changes of that length throughout the years. The current regulation and description has been in effect since 1991 and there have been proposals before the Board to repeal vessel length restrictions virtually every Board cycle since 1949.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **MINIMUM MESH SIZE: Proposal 48**

### **PROPOSAL 48: Page 54. 5 AAC 06.331. Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would restrict gillnet mesh size from the Alaskan Peninsula to Bristol Bay to no smaller than 5 and ¼ inches.

WHAT ARE THE CURRENT REGULATIONS? The current regulations provide for a maximum mesh size of 5 and ½ inches during periods established by emergency order for the protection of chinook salmon. There are also minimum mesh sizes of 5 and 3/8, 4 and ¾, and 7 and ½ inches during periods established by emergency order for the protection of pink salmon, sockeye and coho salmon and sockeye salmon, respectively.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? These proposals would place a mesh restriction in areas that can have a very high component of smaller, 2-ocean fish. These proposed mesh restrictions could cause a higher exploitation rate on larger 3-ocean fish and alter the age structure of resulting sockeye salmon escapements. Escapements weighted with smaller fish would likely mean fewer eggs being deposited on the spawning grounds. Smaller eggs may also produce smaller fry with lower survival rates. Long term minimum mesh size restrictions could result in a change in size composition of the sockeye run.

BACKGROUND: Minimum mesh restrictions were in place for Bristol Bay Districts in the past. Prior to 1985, gillnets in all districts were required to be of at least 5 and 3/8 inch mesh before July 15. This requirement was dropped in 1985. Since then, the Department has used minimum mesh size requirements to address conservation concerns on a species-specific basis by district.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal because of the size selectivity that it imposes on the resulting escapements. The proposed regulations could result in more aggressive fishing schedules, like continuous fishing, to hold back excess escapements. The Department believes that this proposal could reduce management flexibility.

COST ANALYSIS: The Department believes that such a regulation would result in an increase in cost for a person to participate in this fishery. The additional cost would be for purchasing new gear and could range from \$2000.00 to \$6000.00. Gear costs were estimated at four 25-fathom shackles at \$500.00 per shackle and six 50-fathom shackles at \$1000.00 per shackle for drift netters.

## **GILLNET OPERATIONS: Proposals 41, 44, 51, 65, 66, 67, 68**

### **PROPOSAL 41: Page 50. 5AAC 06.331. Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? Drift gillnet fishermen would be prohibited from operating a drift gillnet from a vessel that is grounded or when any portion of the drift gillnet is grounded above the waterline.

WHAT ARE THE CURRENT REGULATIONS? Currently, the only applicable regulation is 5 AAC 39.105 (d) (3) which defines a drift gillnet as a “drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Presently, fishermen who negligently allow their drift vessel or net to go dry may not be cited. They are not required to remove the net from the water and may gain a substantial advantage over other drifting fishermen who cannot hold a position near a closure line or other desirable fishing location. This proposal would require fishermen to pull the net when the vessel is grounded or when any portion of the net has gone dry above the waterline.

BACKGROUND: Clarification is needed in the Bristol Bay area as to what constitutes a drift gillnet. Currently there is some confusion and disagreement between industry, enforcement, and the courts as to when a drift gill net may be affixed to a grounded vessel or a portion of the net allowed to go dry above the water line which allows the net to remain in substantially the same position (thus becoming a set net).

The Department of Public Safety receives a number of complaints each season from Bristol Bay fishermen reporting grounded gillnet vessels and grounded drift nets that remain in the same position near a closure line or other desirable fishing location. These complainants feel that this practice gives unfair advantage to those who ground their vessels or nets and allows grounded gear to intercept salmon swimming into the open fishing district in shallow water near a closure line thus blocking legitimate fishermen from an opportunity to harvest these fish.

DEPARTMENT COMMENTS: The Department of Public Safety **SUPPORTS** this proposal as it brings clarity to when a drift net fisherman can and cannot operate gear when the vessel or net are grounded. The Department of Fish and Game, while remaining neutral on the allocative aspects of the proposal, **SUPPORTS** the proposal on the basis of the orderliness that it would add to the fishery.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 44: Page 52. 5 AAC 06.370. (c). Registration and reregistration.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow commercial set and drift gillnet fishers that hold both permit cards to change from one gear type to the other without waiting 48 hours as long as they stayed in the same district.

WHAT ARE THE CURRENT REGULATIONS? Current regulation requires that a 48-hour wait takes place before a dual permit holder is allowed to change from one gear type to the other. During this waiting period the permit holder is allowed to fish the gear they are transferring out of up to the time they would be switching to the other gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow immediate fishing with either gear as long as the fishing was conducted within the same district and with only one gear type for the dual permit holder fishing at any given time. With the allocations of harvest between the gear groups, there could be some reporting problems if set gillnet and drift gillnet fish are not kept separate. There may also be some enforcement issues.

BACKGROUND: According to CFEC, there were approximately 98 permit holders in 2002 and 104 in 2003 that held both a set and drift gillnet permits in Bristol Bay. The 48-hour wait between transferring between gears has been in effect for over 20 years.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. The Alaska Department of Public Safety may have some comments.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 51: Page 56. 5 AAC 06.331. Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? Prohibit a drift gillnet vessel operator in Bristol Bay from towing a net under power to hold it in substantially the same geographic location.

WHAT ARE THE CURRENT REGULATIONS? Currently, the only applicable regulation (statewide) is 5 AAC 39.105 (d) (3) which defines a drift gillnet as a “drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Drift net fishermen would no longer be allowed to tow their nets, under power, to remain in substantially the same position along a closure line or other desirable fishing location.

BACKGROUND: Each year, the Department of Public Safety receives complaints from drift net fishermen about drift vessels that tow their nets to remain along a closure line where salmon are entering the open fishing district. These complainants feel that this practice gives unfair advantage to those who tow their nets and allows towed gear to intercept salmon swimming into the open fishing district near a closure line thus blocking legitimate fishermen from an opportunity to harvest these fish. Many of these complainants also voice concern that salmon caught with this method are of lower quality and reduce the overall quality of Bristol Bay salmon.

DEPARTMENT COMMENTS: The Department of Public Safety **SUPPORTS** this proposal for the clarification it brings to the practice of towing a net to hold it in substantially the same position. If adopted, this proposal could improve quality of drift gillnet fish harvested; the Department of Fish and Game is in support of fishing practices that increase quality, but remains neutral on the allocative aspects of this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 65: Page 67. 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? Prohibit drift net vessels from towing nets to hold position during flood and ebb tides.

WHAT ARE THE CURRENT REGULATIONS? Currently, the only applicable regulation (statewide) is 5 AAC 39.105 (d) (3) which defines a drift gillnet as a “drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The way the proposal is worded, it would prohibit a drift net operators from any towing of the net “against the current and holding your position during both flood and ebb in Wood River.”

BACKGROUND: The proposer feels 90 percent of the drift fleet would benefit from a regulation of this sort

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal as written. The wording contained in proposal 51 or 67 would be more enforceable.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 66. Page 68. 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal seeks to initiate a lottery to choose the permit holders to fish the first 10 set gillnet sites on each side of the downstream end of the Wood River Special Harvest Area.

WHAT ARE THE CURRENT REGULATIONS? There are no current regulations regarding which permit holders get to fish which sites in the WRSHA. The fishery is conducted on the basis of “first legal gear in the water claims the site” and this creates a “land rush” environment in the set gillnet area when the first period opens.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Although it is not specified in the proposal what agency or entity would be responsible for conducting the lottery, some equitable mechanism assigning permit holders to predetermined sites would lend stability to the process and eliminate the many social issues that surround the early openings in this fishery.

BACKGROUND: When the WRSHA management plan was first adopted in January 1996 as a coho salmon conservation tool, a committee was formed of Board members, Department staff, and permit holders to work out open area, gear limitations, etc. for each gear type. This committee agreed that no shore fisheries leases would be allowed for fixed sites in the WRSHA because of the “opportunistic” nature of this fishery and the desire of the permit holders on the committee for this fishery not to become “established” for the long term. These same regulations governing this fishery were retained in the management plan when it was modified to include sockeye salmon management; but now instead of it being occasionally used for a few periods at the end of July for coho conservation, it has been used intensively for up to 20 days during the peak of the sockeye fishery. Sockeye catches from the first set gillnet site on either side of the WRSHA are substantial, and therefore, the potential financial gain can lead to extreme measures by permit holders to acquire that site.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. However, the Department feels it necessary to point out that the fiscal means and staff to organize and conduct a lottery is not currently available within the Department. We would also ask Department of Law to comment on the Board of Fisheries’ jurisdiction regarding land use issues such as assigned fishing locations.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 67, Page 69. 5 AAC 06.358 (d). (2). Wood River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? Prohibit a drift gillnet vessel operator in the Wood River Special Harvest Area from towing a net under power to hold in substantially the same geographic location.

WHAT ARE THE CURRENT REGULATIONS? Currently, the only applicable regulation (statewide) is 5 AAC 39.105 (d) (3) which defines a drift gillnet as a “drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Drift net fishermen would no longer be allowed to tow their nets, under power, to remain in substantially the same position along a closure line or other desirable fishing location within the Wood River Special Harvest Area.

BACKGROUND: Each year, the Department of Public Safety receives complaints from drift gillnet fishermen about drift vessels that tow their nets to remain along a closure line where salmon are entering the open fishing district. These complainants feel that this practice gives unfair advantage to those who tow their nets and allows towed gear to intercept salmon swimming into the open fishing district near a closure line thus blocking legitimate fishermen from an opportunity to harvest these fish. Additionally, they believe that the practice of towing drift nets degrades the quality of the salmon retained in the nets.

DEPARTMENT COMMENTS: The Department of Public Safety **SUPPORTS** the concept of this proposal on a Bay-wide basis (proposal 51) for the clarification it brings to the practice of towing a net to hold it in substantially the same position. If adopted, this proposal could increase quality of the drift gillnet fish harvested; the Department of Fish and Game supports any fishing practices that improve quality, but remains neutral on the allocative aspects of this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 68. Page 70. 5 AAC 06.331. Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? Drift gillnet fishermen would be prohibited from operating a drift gillnet in the Wood River Special Harvest Area from a vessel that is grounded or when any portion of the drift gillnet is grounded above the waterline.

WHAT ARE THE CURRENT REGULATIONS? Currently, the only applicable regulation is 5 AAC 39.105 (d) (3) which defines a drift gillnet as a “drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Presently, fishermen who negligently allow their drift vessel or net to go dry may not be cited and are not required to remove the net from the water and may gain a substantial advantage over other drifting fishermen who cannot hold a position near a closure line or other desirable fishing location. This proposal would require fishermen to pull the net when the vessel is grounded or when any portion of the net has gone dry above the waterline.

BACKGROUND: Clarification is needed in the Bristol Bay area as to what constitutes a drift gillnet. Currently there is some confusion and disagreement between industry, enforcement, and the courts as to when a drift gill net may be affixed to a grounded vessel or a portion of the net allowed to go dry above the water line that allows the net to remain in substantially the same position (thus becoming a set net).

The Department of Public Safety receives a number of complaints each season from Bristol Bay fishermen reporting grounded gillnet vessels and grounded drift nets that remain in the same position near a closure line or other desirable fishing location. These complainants feel that this practice gives unfair advantage to those who ground their vessels or nets and allows grounded gear to intercept salmon swimming into the open fishing district in shallow water near a closure line thus blocking legitimate fishermen from an opportunity to harvest these fish.

DEPARTMENT COMMENTS: The Department of Public Safety **SUPPORTS** this proposal on a Bay-wide basis (proposal 41) as it brings clarity to when a drift net fisherman can and cannot operate gear when the vessel or net are grounded. If adopted, this proposal could improve quality of drift gillnet fish harvested; the Department of Fish and Game supports fishing practices that improve product quality, but remains neutral on the allocative aspects of this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **NIGHT TIME SAFETY REQUIREMENTS: 46**

### **PROPOSAL 46. Page 53. 5 AAC 06.341. Vessel specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would duplicate language already existing in AS 05.010 (a)-(h) and place it into Bristol Bay commercial fishing regulations requiring certain safety equipment aboard watercraft.

WHAT ARE THE CURRENT REGULATIONS? Current state statutes requiring life jackets, fire extinguishers, running lights and other marine safety equipment aboard watercraft and are located in AS 05.010 (a)-(h).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be no change in the effect of the present state boating safety laws. The current statutes are fully enforceable by Alaska State Troopers, United States Coast Guard, and local law enforcement officers. It appears that the proposer is hoping that by duplicating these statutes in the Bristol Bay area fishing regulations they will receive broader acceptance and compliance by vessel operators thus improving safety and saving lives.

BACKGROUND: The current boating safety statutes which require adherence with U.S. Coast Guard standards have been in force for many years. There is currently a state boating safety “bail schedule” in effect that makes a number of violations payable in the same manner that minor traffic violations are.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. The addition of these statutes to the Bristol Bay area commercial fishing regulations will have no effect on the enforceability of these laws.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.



## **COMMITTEE B: HERRING (5 Proposals)**

### **UNUSED HERRING QUOTA REALLOCATION: Proposals 32, 36**

#### **PROPOSAL 32. Page 45. 5 AAC 27.865. Bristol Bay Herring Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would roll some or all uncaught quota from the Togiak Sac roe herring fishery into the Dutch Harbor food and bait fishery.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow for a maximum of 20% of the projected biomass to be harvested. Of this amount, 1,500 tons is allocated to the spawn on kelp fishery, 7% of the remaining allowable harvest is allocated to the Dutch Harbor food and bait fishery, and the remainder allocated to the Togiak Sac Roe fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would potentially allow for the harvest of herring allocated for harvest but unharvested. It is unclear whether this would actually happen since there was not sufficient market available in 2003 to purchase the full Dutch Harbor Food and bait quota. The Dutch Harbor food and Bait fishery harvests 80% Togiak herring stocks and 20% other stocks. By rolling over unharvested quota from Togiak to Dutch Harbor it would allow for an increased exploitation on the 20% of the Dutch Harbor fish that are not part of the Togiak stock.

BACKGROUND: In recent years the value of herring caught in the Togiak sac roe fishery has slipped from \$1000 per ton (1988) to \$125 per ton now. The price paid in the Dutch Harbor fishery is around \$400 per ton. With the lower value of the Togiak sac roe fishery, the effort from both permit holders and processors has diminished. Because there is a limited time to harvest herring with high roe maturity and processing capacity is limited, it is possible that there will be years when a significant portion of the Togiak sac roe quota remains unharvested.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. There is no biological reason to oppose this proposal. However, the Department does have some concerns with allocating an unharvested quota from one fishery to another in this manner. It may lead to the harvest of marginal quality herring in the Togiak fishery. If stakeholders know that forgoing the harvest of fish one year because of marginal quality or size will result in those fish being available to the fishery in the following year, they have an incentive to forgo the harvest. However, if stakeholders know that another fishery will harvest the remaining quota, they will be less likely to forgo the harvest of marginal fish until next year. The Togiak Herring Management Plan calls for the Togiak herring stocks to be exploited at a maximum of 20% per year. This is a maximum exploitation rate and not a mandate to harvest all 20% every year.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 36. Page 47. 5 AAC 27.865 (b) (7). Bristol Bay Herring Management Plan.**

WHAT WOULD THE PROPOSAL DO? Roll the unharvested spawn-on-kelp allocation over into the purse seine and gillnet fisheries.

WHAT ARE THE CURRENT REGULATIONS? The current regulations make no allowance for transferring unharvested quotas. When the spawn-on-kelp harvest falls short of the allocation that surplus is not reallocated.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted unharvested surplus fish would be available for harvest to other gear groups.

BACKGROUND: In recent years there has been much less interest in the spawn-on-kelp product from Togiak. There was no market at all in 2001 and only a limited market in 2002 and 2003. Additionally, in some years poor weather makes the product unmarketable. The spawn-on-kelp fishery, when it occurs, usually occurs toward the end or after the sac roe fishery. Companies interested in buying spawn-on-kelp product are required to register in advance of any spawn-on-kelp fishery.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This proposal is an allocation issue. The Department also views the 20% maximum exploitation rate as a maximum and not as a target.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **50/50 ALLOCATION BETWEEN GILLNET/SEINE: Proposal 35**

### **PROPOSAL 35. Pages 46-47. 5 AAC 27.865 (b) (8). Bristol Bay Herring Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the purse seine/gillnet allocation from 70/30 to 50/50.

WHAT ARE THE CURRENT REGULATIONS? The current regulations mandate that the Department shall manage for the removal of 30% of the surplus by the gillnet fleet and 70% of the surplus by the purse seine fleet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the purse seine fleet would be allocated significantly less herring and the gillnet fleet would be allocated significantly more.

BACKGROUND: The Board adjusted this allocation percentage in 2001 from 25/75 to 30/70. Testimony from industry at that meeting indicated that purse seine harvest was important to produce the daily volume to keep processing capacity filled.

In recent years gillnet and purse seine fleets have been significantly smaller than the historical average. In 2003, the peak gillnet vessel count was 72; this is down from over 400 vessels less than 10 years ago. Reductions in gillnet fleet size impact the ability of the fleet to harvest the gillnet allocation much more significantly than reductions in the purse seine fleet size.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This proposal is an allocation issue.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **CREATE BRISTOL BAY BAIT FISHERY: Proposal 37**

### **PROPOSAL 37. Pages 47-48. 5 AAC 27.8XX. Harvest of bait by commercial permit holders in the Togiak District**

WHAT WOULD THE PROPOSAL DO? This proposal would allow Togiak herring sac roe permit holders to harvest herring after the herring fishery has been completed.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow for commercial herring fishing by emergency order only.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would basically create a bait fishery for Togiak herring after the sac roe fishery is complete.

BACKGROUND: With the advent of CDQ halibut quotas in Bristol Bay, local residents have begun commercial halibut fishing. Herring is typically used for bait in this halibut fishery. Currently herring can only be caught legally in Bristol Bay, during the Togiak sac roe herring fishery. This leaves halibut harvesters with only a few options to get bait. They can keep herring from their commercial catch and freeze it for later use as bait or they can buy it from a processor.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal, but seeks comment from Department of Public Safety on the enforcement issues posed by adoption of this proposal. This proposal seeks to create a fishery on a resource that is already fully allocated. Currently, herring are reportedly being taken with subsistence gillnets after the commercial herring fishery and used as bait in the halibut fishery. The Department does not believe that it is appropriate to use a purse seine in this fishery if the total harvest per boat is to be two tons or less; the use of a purse seine is likely to generate significant waste.

COST ANALYSIS: The Department believes this would reduce the cost of participating in the halibut fishery.

## **CLOSE TOGIAK TO COMMERCIAL HARVEST: Proposal 38**

### **PROPOSAL 38. Pages 48-49. 5 AAC 27.810. Fishing seasons and periods for Bristol Bay area.**

WHAT WOULD THE PROPOSAL DO? This would close the commercial herring sac roe and spawn-on-kelp (SOK) fisheries in the Togiak District for three (3) years.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow commercial fishing by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would prevent the harvest of approximately 20,000 tons of herring a year for three (3) years.

BACKGROUND: The Togiak herring sac roe fishery has been prosecuted since the late 1970's. The herring population is biologically stable. In 2003, the value of the fishery exceeded \$3 million.

Spawn on kelp (SOK) is defined as herring roe deposited upon aquatic plants. In the case of the Togiak herring fishery, spawn is deposited on *Fucus sp.* (rockweed kelp). SOK is highly variable in quantity and quality. A study by Sandone (1991) revealed the many naturally occurring events that may affect kelp growth and survival. Examples of these factors include: ice scouring, intense wave action, and freeze desiccation. Additionally, kelp growth and recolonization rates can be depressed by cold temperatures and shortened growing seasons. These factors are far more influential than impact caused by commercial fishing operations (especially when noting that there have been no commercial SOK harvests in four of the last six years.) Quality concerns related to commercial fishing operations mainly center on water contamination which is reduced in recent years as effort in the commercial herring fleet continues to decrease.

A study by Stekoll (1984) examined the growth and recolonization of *Fucus* in Bristol Bay. The study found that *Fucus* plants are relatively fast growing plants. Additionally, there is a high turnover rate every two years, as 75% of plants in the largest size class are less than a year old. This study resulted in a Board of Fisheries regulation (5AAC 27.834) that required commercial SOK harvest in a given kelping unit to take place on a 2-3 minimum year rotation.

The success of spawn-on-kelp harvests can also be influenced by many factors. Tide timing can affect the success of a kelp picker. The optimum tide for picking kelp might be in the middle of the night when visibility and access are poor. Additionally, severity of tides can affect the availability of kelp. In 2003, the low tide was not low enough to expose an adequate amount of quality kelp. The quality of kelp can also be significantly impacted by high winds, which can increase sediment deposition and make the SOK gritty. The final factor that significantly influences the amount of kelp picked in a SOK opening has to do with the proximity of the best kelping units. In 2003, the unit that was judged to have the highest quality product was far away from the villages of Togiak

and Twin Hills and the price that permit holders were receiving made traveling to the open areas not cost effective.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. A hiatus from fishing would cause unnecessary economic loss. Additionally, commercial kelping operations take place in a manner that is consistent with maximum kelp bed recovery and current market demand for SOK is low. Finally, suspension of the Herring Sac/Roe fishery would not address the issue of kelp availability.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional cost for a private person to participate in this fishery.

## **COMMITTEE C: SUBSISTENCE (2 Proposals), BOUNDARIES (13 Proposals)**

### **SUBSISTENCE PERMIT REQUIREMENTS: Proposal 29**

#### **PROPOSAL 29. Page 43. 5 AAC 01.330 (a). Subsistence fishing permits.**

WHAT WOULD THE PROPOSAL DO? This proposal would amend the subsistence permit regulations for the Bristol Bay Area so that trout and char may be taken without a freshwater subsistence permit.

WHAT ARE THE CURRENT REGULATIONS? Current regulations state that:  
(a) Salmon, trout, and char may only be taken under authority of a subsistence fishing permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Persons who wish to fish for trout or char in the Bristol Bay Area with subsistence methods such as gill nets or through the ice with rod and reel or handlines, would not be required to obtain a permit. Because very few such permits are issued at present, little to no information will be lost by eliminating this permit requirement.

BACKGROUND: Although subsistence permits for trout and char have been required in the Bristol Bay Area for more than 20 years, most fishers are not aware of this requirement, nor has the Department developed a program to make such permits readily available to the public. As a result, many people in the Bristol Bay area subsistence fish for trout or char without the necessary permit and may be cited for a violation. Based on periodic Division of Subsistence household surveys, subsistence harvests of trout and char, while an important source of food, are relatively low. Implementing a permit program for trout and char would take considerable staff effort and public outreach, which are not affordable nor a priority in times of reduced budgets. Periodic household surveys are an effective alternative to permits and result in a more comprehensive harvest estimate in that they include all gear types, not just subsistence gear.

An alternative to separate permits for trout and char that was considered but rejected is to add these species to the current subsistence permit for salmon. This alternative is not feasible for several reasons. Salmon permits are issued in the spring and collected in the fall and early winter, reflecting the availability of salmon for subsistence, while trout and char are taken year round. Adding these species to the form would require a major scheduling change to the subsistence salmon harvest assessment program that might place the effectiveness of the program at risk. Implementing this change would also require considerable staff time and effort, which are not affordable at present.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. Annual monitoring of subsistence harvests of trout and char is not necessary for the Bristol Bay Area. The Department does not have adequate fiscal resources to effectively implement a permit program for these stocks, and adding these species to the current salmon permit is not feasible. The current regulation unnecessarily places subsistence fishers at risk of a violation if they subsistence fish for trout or char without a permit, because they are unaware of the regulation or because they could not obtain a permit locally. Periodic household surveys to update harvest estimates are a viable alternative to the permit requirement.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that all finfish stocks of the Bristol Bay Management Area, including trout and char, support customary and traditional subsistence uses (5 AAC 01.336(1))
3. Can a portion of the stock be harvested consistent with sustained yield? Yes
4. What amount is reasonably necessary for subsistence use? The Board has made a finding that 250,000 usable pounds of finfish other than salmon as the amount reasonably necessary for subsistence uses for the entire Bristol Bay Management Area (5 AAC 01.336(b)(2)). More specific findings for particular species, districts, or drainages have not been made. The Department suggests that a specific finding for the stocks under consideration in this proposal is unnecessary at this time because of the relatively low subsistence harvests. However, the Department is prepared with data on historical subsistence harvests if the Board chooses to make such a finding.
5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding as it deliberates on this proposal.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In the Department's judgment, no. The harvestable surplus for these stocks far exceeds documented levels of subsistence harvests.

**PROPOSAL 30. Page 43. 5 AAC 01.310. (d). Fishing seasons and periods.**

WHAT WOULD THE PROPOSAL DO? This proposal seeks to exclude the east side of the Wood River from the area under the special subsistence regulations applied to local Dillingham beaches from July 2 to July 17.

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the portion of the Nushagak District upstream of a line between an ADF&G regulatory marker located two statute miles south of Bradford Point and an ADF&G regulatory marker located on Nushagak Point to an ADF&G regulatory marker located at Red Bluff on the west shore of the Wood River, and to an ADF&G regulatory marker located at Lewis Point on the north shore of the Nushagak River, as having a separate set of subsistence fishing regulations from those of the remainder of the non-commercial portions of the Nushagak drainage. In this area, subsistence permit holders are allowed to use only 10-fathom nets; and may fish only 3 days per week between July 2 and July 17.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow subsistence fishing seven days per week along the east shore of the Wood River.

BACKGROUND: The eastern shore of the lower Wood River has long been a subsistence fishing area for those Dillingham resident subsistence permit holders with skiffs and for the community of Aleknagik. Through the 2000 fishing season, the east shore of the Wood River was not included in the "Dillingham beaches" area and therefore subsistence permit holders could fish seven days per week. At its January 2001 meeting, the Board of Fisheries expanded the area defined as Dillingham beaches subject to the three day per week subsistence fishing restriction in July to include the east shore of the Wood River up to Red Bluff, the northern shore of the Nushagak River up to Lewis Point, and the southern shore of the Nushagak River from Lewis Point down to Nushagak Point. This action also placed these areas under the 10-fathom gill net restriction in effect for the Dillingham beaches for subsistence salmon fishing for the entire season. Previously, gill nets up to 25 fathoms in length were allowed in these areas. Note that passage of this proposal would just change the fishing schedule and not restore the legal gear length to that allowed before 2001.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that all finfish of the Bristol Bay Management Area support customary and traditional subsistence uses (5 AAC 01.336(1))

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? The Board has established a range of 157,000 to 172,171 salmon as the amount reasonably necessary for subsistence for the entire Bristol Bay Management Area, including 55,000 to 65,000 Kvichak River drainage sockeye salmon (excluding salmon stocks of the Alagnak River). There are no specific findings for the Nushagak District.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding as it deliberates on this proposal.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In the Department's judgment, no. The harvestable surplus for these stocks exceeds documented levels of subsistence harvests.

## **NAKNEK RIVER SPECIAL HARVEST AREA: Proposals 71, 73**

### **PROPOSAL 71. Page 73. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would move the west line (downstream end) upriver to the westernmost tip of the Peter Pan Nornak dock extending to the easternmost tip of the Northland dock. The upstream boundary would remain the same.

WHAT ARE THE CURRENT REGULATIONS? The west line (downstream boundary) is significantly lower than the proposed line. The current line is approximately 500 yards above the northern boundary of the Naknek/Kvichak District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would reduce the NRSWA by nearly 10% in size reducing the number of set net sites significantly.

BACKGROUND: The Department has not conducted a study with scales or genetics to determine what percent or portion of the Kvichak stocks might migrate into and then out of the Naknek River. No data to say at what point within the Naknek River, Kvichak fish back out.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. The Department has no data indicating a savings of Kvichak sockeye salmon stocks by this boundary move.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 73. Page 74. 5 AAC 06.200(b) (2). Fishing Districts, Subdistricts and Sections and 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would include the waters of the Naknek River Special Harvest Area (NRSHA) into the description of the Naknek Section of the Naknek/Kvichak District and it would also change the lower boundary of the NRSHA. By including the NRSHA in the Naknek/Kvichak District, the allocation plan would apply to harvest taken in the NRSHA.

WHAT ARE THE CURRENT REGULATIONS? The NRSHA is described separately from the Naknek/Kvichak District. The NRSHA is open only when the Naknek/Kvichak District is closed to commercial fishing due to the weak return of the Kvichak River stock, provided the sockeye escapement to the Naknek River would meet the minimum of range of 800,000 adults. The lower boundary for the NRSHA is 300 feet upstream of the senior citizens subsistence fishing area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The NRSHA would be described in regulation as part of the Naknek Section and as a result would include the NRSHA in the allocation plan. To keep the NRSHA closed during a Naknek Section opening, a specific Emergency Order would have to be written if not clarified in the regulation. Most importantly, if the lower boundary of the NRSHA was moved to the upper Naknek Section line, then the subsistence fishing area open to “senior citizens only” (60 + years old) would then be open to commercial set nets and drift boats, potentially creating a hardship for senior citizens.

BACKGROUND: The NRSHA was created in 1986 when the Kvichak return was predicted to be below the biological escapement goal, so to harvest excess Naknek River stocks, the inriver fishery was created. Since 1996, it has been used every year for some portion of the season. The NRSHA lower boundary line has been moved since the inriver fishery was created, but always up river, never lower than where it is currently. The senior citizen fishery has been in existence since April of 1995. The senior citizen area was created due to the increase in subsistence users and the elderly being pushed out of their traditional areas.

When the Board adopted the allocation plan in 1997, they specifically did not include harvests in the NRSHA under the plan.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. It would displace the senior’s who have fished in the area. There is ample room in the NRSHA and no reason to add additional area to the fishery.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **NAKNEK/KVICHAK BOUDARY LINE: Proposal 72**

### **PROPOSAL 72. Page 73. 5 AAC 06.200(a). Fishing Districts, Subdistricts and Sections.**

WHAT WOULD THE PROPOSAL DO? This proposal suggests that for a three-year period the Naknek Section north boundary line be moved to the Loran Line 9990-Z-32370.

WHAT ARE THE CURRENT REGULATIONS? The Naknek Section description includes all water of the Naknek/Kvichak District north of Loran C line 9990-Y-32430 and east of a line from 58 38.50' N. lat., 157 22.23' W long. to the outer end of the Libbyville dock then along the dock to shore.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would place all set net permit holders along the north shore of the Naknek Section into the Kvichak Section. In addition, the allocation plan would need to be readjusted due to the reduced number of permit holders in the Naknek Section being moved into the Kvichak Section. The current allocation plan distributes the 16% allocation to set gillnet gear 8% Naknek Section and 8% Kvichak Section.

BACKGROUND: The Department conducted a study in 1992 (Crawford, Miller and Cross, 1994) and determined that the Naknek/Kvichak District is basically a large milling area and the harvest of Kvichak fish along the east shoreline of the Naknek Section is just as strong as along the north shore. Breaking the section up further would not eliminate the harvest of Kvichak bound sockeye.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal. The Department looked into redefining the Naknek Section. Based on a study in 1992, the best means of reducing harvest of Kvichak bound sockeye was minimizing the amount of fishing time in the Naknek Section.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**DEFINE GPS COORDINATES: Proposals 31, 33, 34, 74, 75, 76, 77, 78, 79**

**PROPOSAL 31. Page 44. 5 AAC 01.300. Description of Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would add GPS lat/long coordinates to the boundary definitions (Cape Newenham 58° 38.880' N. lat., 162° 10.509' W. long. To Cape Menshikof 57° 28.34' N. lat., 157° 55.84' W. long).

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries of Bristol Bay using the landmarks of Cape Newenham and Cape Menshikof.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? GPS has become a reliable and accurate tool in alleviating confusion about boundaries. If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS.

BACKGROUND: Most other district boundaries in Bristol Bay converted to GPS boundary descriptions in 2001. This will continue the process of standardizing boundary descriptions.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. It attempts to standardize the regulations in a way that will lead to maximum clarity. This is a Department proposal.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing. The definition of the boundary is simply being made more precise.

**PROPOSAL 33. Page 45. 5 AAC 27.800. Description of Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would add GPS lat/long coordinates to the boundary definitions (Cape Newenham 58° 38.880' N. lat., 162° 10.509' W. long., Cape Menshikof 57° 28.34' N. lat., 157° 55.84' W. long).

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries of Bristol Bay using the landmarks such as Cape Newenham, Cape Menshikof, and the International Date Line.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? GPS has become a reliable and accurate tool in alleviating confusion about boundaries. If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS.

BACKGROUND: Most other district boundaries in Bristol Bay converted to GPS boundary descriptions in 2001. This will continue the process of standardizing boundary descriptions.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. It attempts to standardize the regulations in a way that will lead to maximum clarity. This is a Department proposal.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing. The definition of the boundary is simply being made more precise.

**PROPOSAL 34. Page 46. 5 AAC 27.805. Description of Bristol Bay Districts and Sections.**

WHAT WOULD THE PROPOSAL DO? This proposal would add GPS lat/long coordinates to the boundary definitions.

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Cape Newenham	58 38.880 N. lat. 162 10.509 W. long.
Cape Menshikof	57 28.34 N. lat. 157 55.84 W. long.
Cape Constantine	158 53.50 W. long.
Kulukak East Also called Kulukak Point	58 50.397 N. lat. 159 39.008 W. long.
Kulukak West	58 50.466 N. lat. 159 45.253 W. long.
Rocky Point	160 14.702 W. long. 58 53.302 N. lat.
Mount Aeolus	160 44.063 W. long. 58 54.821 N. lat.
Cape Peirce	58 33.100 N. lat. 161 46.253 W. long.
Right Hand Point	58 46.269 N. lat. 159 55.003 W. long.
Estus Point	58 46.857 N. lat. 161 10.975 W. long.
Tongue Point	58 48.628 N. lat. 160 50.307 W. long.

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WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries of Bristol Bay using the landmarks such as Cape Newenham and Right Hand Point.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? GPS has become a reliable and accurate tool in alleviating confusion about boundaries. If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS rather than trying to line-up with a visual marker.

BACKGROUND: Most other district boundaries in Bristol Bay converted to GPS boundary descriptions in 2001. This will continue the process of standardizing boundary descriptions.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. It attempts to standardize the regulations in a way that will lead to maximum clarity. This is a Department proposal.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing; the definition of the boundary is simply being made more precise.

**PROPOSAL 74. Page 75. 5 AAC 06.100. Description of Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would apply GPS coordinates to the description of the Bristol Bay area.

WHAT ARE THE CURRENT REGULATIONS? Present regulations use only the geographical point of reference.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: This proposal would standardize these reference points with GPS coordinates, as are reference points in Bristol Bay regulations.

BACKGROUND: GPS coordinates have replaced loran coordinates and geographical points of reference since the change over to using GPS occurred in 2001. As GPS derived latitude and longitude coordinates are collected, these regulatory references will continue to change.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. The coordinate submitted for Cape Menshikof is incorrect and it should be 57°28.34' N. lat., 157°55.84' W. long. Conversion of reference points to GPS coordinates will continue and result in less confusion to Bristol Bay commercial fishers. This is a Department proposal.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 75. Pages 75-76. 5 AAC 06.200. Fishing districts, subdistricts, and sections**

WHAT WOULD THE PROPOSAL DO? This proposal would change the boundary definitions from markers to GPS lat/long coordinates.

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries with markers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS. This would be especially helpful on a cloudy or hazy day when the markers may not be as visible.

BACKGROUND: All the other districts in Bristol Bay converted to GPS boundary descriptions in 2001. This was not done for Togiak because the markers were more difficult to get to and the coordinates were not readily available. Please see the attached list for the most current coordinates, as some coordinates published in this proposal are incorrect.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal and views it as a housekeeping issue. This is a Department proposal.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing just the definition of the boundary.

**PROPOSAL 76. Pages 76-77. 5 AAC 06.350. Closed Waters.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the boundary definitions from markers to GPS lat/long coordinates.

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries with markers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS. This would be especially helpful on a cloudy or hazy day when the markers may not be as visible.

BACKGROUND: Most other district boundaries in Bristol Bay converted to GPS boundary descriptions in 2001. This will continue the process of standardizing boundary descriptions.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal and views it as a housekeeping issue. Since the Snake River Section of the Nushagak District is closed by regulation; section (a) (4) could be deleted, as it is redundant. There is an attached sheet with all the current coordinates. This is a Department proposal.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing just the definition of the boundary.

**PROPOSAL 77. Page 77. 5 AAC 06.359. (c) Egegik River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would amend this regulation to apply the correct order and correct GPS coordinates.

WHAT ARE THE CURRENT REGULATIONS? The present regulation under this section is incorrectly stated.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: This proposal would correct the description of this area.

BACKGROUND: None

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. The original coordinates submitted with this proposal were incorrect. It should read:

(c) The commissioner may close, by emergency order that portion of the Egegik District bounded by the line from 58°19.10' N. lat., 157°36.65' W. long. to 58°18.05' N. lat., 157°33.15' W. long. to 58°09.91' N. lat., 157°34.55' W. long. to 58°11.00' N. lat., 157°38.10' W. long., and back to 58°19.10' N. lat., 157°36.65' W. long. This is a Department Proposal.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 78. Page 78. 5 AAC 06.358(b). Wood River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would add GPS lat/long coordinates to the boundary definitions.

WHAT ARE THE CURRENT REGULATIONS? The current regulations define the boundaries with markers only.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this regulation were adopted people would be able to tell if they were over the line by looking at a GPS. It is also difficult to tell where one is in relation to the markers.

BACKGROUND: Most other district boundaries in Bristol Bay converted to GPS boundary descriptions in 2001. This will continue the process of standardizing boundary descriptions.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal and views it as a housekeeping issue.

COST ANALYSIS: The Department does not expect this to result in an increase in cost to the average permit holder participating in this fishery. The boundary is not changing just the definition of the boundary.

**PROPOSAL 79. Page 78. 5 AAC 06.200. Fishing Districts, Subdistricts and Sections.**

WHAT WOULD THE PROPOSAL DO? This proposal reduces the district boundaries in Ugashik, Egegik and Naknek/Kvichak Districts.

WHAT ARE THE CURRENT REGULATIONS? The current areas are described in 5 AAC. 06.200.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce the fishing area in all three districts with Egegik District losing the largest area followed by Ugashik and then Naknek/Kvichak District.

BACKGROUND: These boundaries have been in existence for over 20-years and there is no biological reason to change the existing boundaries to the authors prescribed areas.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. There is no biological reason to change the existing boundaries.

COST ANALYSIS: Adoption of this proposal is not anticipated to result in additional direct cost for a private person to participate in this fishery.

## **NUSHAGAK CHINOOK FISHERY BOUNDARIES: Proposal 80**

### **PROPOSAL 80: Pages 79-80. 5 AAC 06.200 Fishing Districts, subdistricts, and sections.**

WHAT WOULD THE PROPOSAL DO? This proposal would expand the area of the Nushagak District during directed king openings, by moving the southern boundary further south.

WHAT ARE THE CURRENT REGULATIONS? The current regulations set the south line of the Nushagak District at 58° 33.77' N. lat., 158° 46.57' W. long., to 58° 39.37' N. lat., 158° 19.31' W. long.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would increase the area in which permit holders are allowed to fish during directed chinook openings. Since this expanded area does not include expanded beach area some set gillnet permit holders may feel disenfranchised.

BACKGROUND: Up until 1988 there was a provision in the closed waters regulation that allowed for fishing south of the Nushagak District southern boundary line between May 21 and June 16. According to "History and Management of the Nushagak Chinook Salmon Fishery" by Michael Nelson published by ADF&G in April of 1987, the restricted outer boundary change was made in 1987 to "reduce the exploitation rate and achieve better distribution of escapement through time". The fishery is now conducted with emergency order openings.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The Department believes there is sufficient area open to the harvest of chinook salmon. The fishery is currently conducted in a terminal area, expanding the area would only increase the possibility of intercepting salmon bound for other systems.

COST ANALYSIS: The Department believes approval of this proposal would result in an increase in fuel cost for the average permit holder.

**COMMITTEE D: NAKNEK, EGEKIK AND WOOD**  
**RIVER SPECIAL HARVEST AREAS**  
**(15 Proposals)**

**SETNET GEAR IN SPECIAL HARVEST AREA: Proposals 47, 49, 52, 53, 54, 60, 62**

**PROPOSAL 47: Page 54. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow only one set gillnet to fish off shore of another set gillnet in the Naknek River Special Harvest Area.

WHAT ARE THE CURRENT REGULATIONS? At the 2001 BOF meeting the regulation was changed to allow multiple offshore nets. Specifications were that all gear below 500 feet of the 18-foot mean high water line must be removed from the water after each fishing period. Also, no part of the net may be closer than 150 feet from another net. This provides multiple offshore sites.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would reduce the number of setnet sites in the NRSHA, by allowing only one offshore site instead of multiple sites.

BACKGROUND: Prior to 2001, only one set net could fish offshore of another set net. The multiple offshore nets language was adopted at the 2001 BOF meeting to allow additional area for set net gear. This is allowed only when set and drift gillnet gear are fished separately.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSALS 49, 52 and 53: Pages 55, 56 and 57. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSALS DO? These proposals would require all anchors and buoys below the mean high water line be pulled after a set net period.

WHAT ARE THE CURRENT REGULATIONS? At this time, only anchors and buoys 500 feet or more below the 18-foot mean high water line must be removed after each period.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS WERE ADOPTED? All set net gear below the mean high water line would have to be pulled after each opening.

BACKGROUND: Currently the lines, anchors and buoys are left in after each opening except for those fishing 500-feet below the 18-foot mean water line.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding these proposals

COST ANALYSIS: The Department does not believe that approval of these proposals would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 54: Page 57. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan;**

WHAT WOULD THE PROPOSAL DO? This proposal would require all parts of a set net to be no further off shore than 500 feet from the 18-foot high tide mark at any time.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow set nets to be more than 500-feet below the mean high water line, as long as the gear is removed after each fishing period and that set nets are at least 150 feet away from another set net.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Restrict set nets to within 500-feet of the mean high water line.

BACKGROUND: Prior to the BOF meeting in 2001, when set gillnet only openings occurred in the NRSHA, no more than one set gillnet could be offshore of another set gillnet. This provision allowed the offshore set gillnet to be anywhere in the river so long as there were no other net between them and the on shore site and they were at least 150 feet away from another set net.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 60: Page 62. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require the shoreward end of a set gillnet to go dry at low tide when fishing in the Naknek River Special Harvest Area (NRSHA).

WHAT ARE THE CURRENT REGULATIONS? Currently, the regulations allow set nets to be more than 500-feet below the mean high water line as long as the gear is removed after each fishing period and that set nets are at least 150 feet away from another set net.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: It would reduce the number of setnet sites in the NRSHA. All sites would have to go dry at low water.

BACKGROUND: Set net sites must be at least 150 feet away from any part of another set net site. No reference to stage of tides.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal, however, a reduction in efficiency for the setnet periods in the NRSHA is likely to make controlling sockeye escapement in the Naknek River more difficult.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 62: Page 63. 5 AAC 06.364 (d). Naknek/Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would open the Kvichak Section to set gillnet gear whenever the Department projects a harvestable surplus for the Kvichak River. When the projected surplus is less than 1.0 million sockeye salmon, set gillnet gear would be restricted to 25 fathoms or less.

WHAT ARE THE CURRENT REGULATIONS? Current regulations direct the Department to distribute the harvestable surplus of sockeye salmon within the Naknek/Kvichak District by the following percentages: 84% drift gill net 8% Naknek Section Set net and 8 % Kvichak Section set net. No regulation requires the Department to open the Kvichak Section when fishing the Naknek Section.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This is based on the Department's preseason forecast, a portion of Kvichak bound sockeye will be harvested before the Department is able to determine the actual strength of the sockeye run inseason.

BACKGROUND: The Department has forecasted the Kvichak River sockeye salmon run higher than the actual return seven of the last nine years. Of those seven years, the escapement goal for the Kvichak was met only once. So with this proposal, additional sockeye salmon would have been harvested lowering the escapement further.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal for biological reasons.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **DRIFT GEAR IN SPECIAL HARVEST AREA: Proposal 55**

### **PROPOSAL 55: Page 58. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would increase legal amount of gear for drift gill nets from 50 to 75 fathoms.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow drift gillnets of up to 50 fathoms in length with up to 150 fathoms on board.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would increase the length of a net to 75 fathoms in the NRSHA.

BACKGROUND: It's been 50 fathoms since the inception of the NRSHA in 1986.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **SWITCH GEAR WITHOUT 48-HOUR WAIT: Proposal 56**

### **PROPOSAL 56: Page 59. 5 AAC 06.370(c). Registration and reregistration.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow a permit holder, who holds both a set and drift gillnet permit in Area T, the ability to switch back and forth between gear types when registered and fishing in the Naknek River Special Harvest Area (NRSHA) without the 48-hour transfer waiting period.

WHAT ARE THE CURRENT REGULATIONS? An individual who owns both a set and drift gillnet permit in Area T must register with the Department where they are going to fish and the gear type. If they switch districts or gear type they must register that change and then wait 48-hours. After 9:00 a.m. July 17, unless specified otherwise, the 48-hour transfer is not in effect.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would allow an individual who holds both a set and drift gillnet permit to alternate between gear types only within the NRSHA without notifying the Department and waiting the 48-hours transfer period.

BACKGROUND: When fishing within the NRSHA, drift and set gillnet gear alternate periods between the gear groups. If a permit holder owned both gear types, they would be allowed to fish during the drift gillnet period and then during the set gillnet period.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **ALTERNATING VS. NON-CURRENT OPENINGS: Proposal 58**

### **PROPOSAL 58: Pages 60-61. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSALS DO? This proposal would change the wording in 5 AAC 06.360 (c) “The drift gillnet and set gillnet fisheries will open separately with (alternating) non-concurrent openings between the two gear groups beginning with the drift gillnet fishery.”

WHAT ARE THE CURRENT REGULATIONS? When fishing in the NRSHA the allocation plan is not in effect, allocation is by fishing gear groups separately and by alternating the periods between the gear groups.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS WERE ADOPTED? Currently, the Department alternates the periods between the gear groups when in the NRSHA. By definition, “alternating” periods between gear groups results in “nonconcurring” openings. As written, this proposal would have no impact on the current management practice within the NRSHA.

BACKGROUND: During the past 3-years, the Naknek/Kvichak fishery has occurred predominately in the NRSHA; the drift gillnet harvest percentage has been 78% in 2001, 65% in 2002 and 67% in 2003.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. This proposal seeks to change wording in the NRSHA Management Plan, while presupposing application of the allocation plan to the NRSHA.

## **CHANGE OR DELETE EGEGIK SPECIAL HARVEST AREA (SHA) PLAN: Proposals 63, 64**

### **PROPOSAL 63: Page 64. 5 AAC 06.359. Egegik River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the Egegik Sockeye Salmon Special Harvest Area.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 06.359. Egegik River Sockeye Salmon Special Harvest Area Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: The Egegik District would not be reduced in area when sockeye salmon escapement goals were not being achieved in adjacent districts. The management difficulties imposed by fishing a much smaller Egegik District would be reduced or eliminated. When the district is reduced, 2/3 of the deep-water fishing area is eliminated. Once the initial “push” of salmon are caught in the smaller district, commercial fishers move to the outside lines and compete for fish there. As the district dewater, the competition intensifies as the available fishing areas become reduced. In an attempt to prevent conflicts, shorter fishing periods have been scheduled, but doing so risks larger pulses of fish into the escapement. Fish also tend to mill and watermark just outside the reduced district, which could diminish their quality. The fishery becomes more complicated to manage.

BACKGROUND: 5 AAC 06.365 (f) was adopted in 1997 and directs the Department to minimize ebb fishing for drift gillnet fishers in the Egegik District. The Department has attempted to do this with the following results: an average of 3.5 hours of the ebbing tides fished in 1998, 3.4 hours in 1999, and 3.2 hours in 2000, 4 hours in 2001, 3.9 hours in 2002, and 4.5 in 2003. These are reductions from an average of 5.2 hours in 1997 and close to a 6-hour average prior to 1997. Stock composition studies of sockeye salmon catches made by test fisheries in the Egegik District from 1988 to 1991 are reported in RIR No. 2A91-15. Results from these studies showed that stock composition estimates varied considerably through time and area with no well-defined trend, and that no specific boundary lines could be identified that would minimize the catch of non-Egegik stocks. Age composition analysis indicates that the age structure of Egegik catches mirror the age compositions of the Egegik escapements, implying that the harvest is predominately local fish. There have been record runs to Naknek and Branch rivers, with 14 of the largest 20 runs occurring in the last 20 years, and four of the top ten runs ever occurring in the last eight years. This indicates that other fish bound for the Naknek/Kvichak District are going by Egegik. With this information, it doesn't appear that the question of Kvichak sockeye salmon survival is linked to how Egegik District is fished, but rather is a question of other factors affecting their survival.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on the allocative aspects of this proposal. However, as mentioned above, inseason management of the Egegik District would be simplified.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 64: Page 67. 5 AAC 06.359. (c). Egegik River Sockeye Salmon Special Harvest Area Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require the Department to close the outer portion of the Egegik District if conditions under (c) of 5AAC 06.359 existed, and would change condition (1) one under (c) by eliminating the words, “ is closed to fishing”.

WHAT ARE THE CURRENT REGULATIONS? The current regulation states the Department may close this area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: The Department would no longer have discretion of closing this area if conditions under (c) existed. By eliminating the words “is closed to fishing” under condition (1), conceivably the projection of not meeting a lower escapement goal could be made 48 hours or more before the district may actually close, and the new wording of “shall” instead of “may” would trigger a reduction in Egegik’s fishing area while the other districts would not be reduced for 48 hours or more.

BACKGROUND: The Department has closed the outer portion of the Egegik District nine times since the current the regulation was adopted in 1990. In every case, it was because of an existing condition under section (c) of this plan. The Department has never kept this area opened when a condition under section (c) of this plan has existed.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The Department prefers to maintain as much flexibility as possible in managing commercial fisheries. Changing the wording in this regulation from “may” to “shall” would reduce management flexibility.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **RESTRICT TO EASTSIDE SPECIAL HARVEST AREAS (SHAs): Proposal 61**

### **PROPOSAL 61: Page 62. 5 AAC 06.xxx. Eastside Bristol Bay Sockeye Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the fishing areas of the Egegik and Ugashik Districts when the Naknek-Kvichak District or Naknek Section is closed to commercial fishing, and it would start the season in these reduced areas for all eastside districts until a section of the Naknek-Kvichak District was opened to commercial fishing.

WHAT ARE THE CURRENT REGULATIONS? Present regulations provide for area reductions in all eastside Bristol Bay fishing districts when the Naknek River Special Harvest Area is being used for the conservation of Kvichak sockeye salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: Either option of this proposal would decrease fishing area in both the Egegik and Ugashik Districts. Creating smaller districts of these already terminal fishing areas may result in the following: 1) it may reduce the ability of the users to take the harvestable surplus of salmon, 2) it could lead to reducing genetic diversity with a need for more continuous fishing to control excess escapement, and 3) it will likely adversely affect other management guidelines established by the Board in 5 AAC 06.330 such as: (3)(A) salmon will be harvested in an orderly manner; (3)(C) salmon will be harvested to improve product quality; (d) (1) achieve adequate escapement from all segments of the run by spacing openings throughout the run; (d)(3) distribute fish within individual districts and sub-districts through the spacing of openings; (d) (4) reduce intensive boundary fishing through the spacing and duration of openings.

BACKGROUND: In January of 2001, the Board established provisions in the NAKNEK RIVER SOCKEYE SALMON SPECIAL HARVEST AREA MANAGEMENT PLAN that would trigger the inriver fishery (NRSHA) as early as June 27. When the NRSHA is in effect the Egegik District area is reduced and the Ugashik District area is also reduced until June 29. For most of the 2001 and 2003 seasons and for all of the 2002 season, reductions in these fishing areas were in effect. From 1996 through 2000 the reduced fishing areas in Naknek and Egegik was in effect from about July 6 until the end of the season. From 1996 to 2003 the sockeye runs to the Alagnak and Naknek Rivers were some of the best on record. During these eight years, the Alagnak River had five of its top ten largest runs ever and the Naknek River experienced four out of its top ten largest runs ever. Both of these rivers are part of the Naknek-Kvichak District's production along with Kvichak River.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The Department believes the reduction of fishing areas in Egegik and Ugashik districts reduces the Department's ability to effectively manage these fisheries in the absence of any biological information supporting the reduction.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **PROVIDE FOR 175,000 SOCKEYE SALMON INTO NUYAKUK RIVER: Proposal 69**

### **PROPOSAL 69: Pages 71-72. 5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require the Department to manage for a minimum escapement of 175,000 sockeye salmon past the Nuyakuk River counting tower.

WHAT ARE THE CURRENT REGULATIONS? Currently the Department manages for a biological escapement goal (BEG) range of 340 thousand to 760 thousand sockeye salmon past the sonar counting station near Portage Creek on the Nushagak River when the forecasted sockeye salmon run is greater than 1 million fish. In years when the forecasted run of sockeye salmon to the Nushagak River is less than 1 million sockeye salmon, the Department is directed by the Board to manage for an OEG minimum of 235 thousand.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would basically override the current OEG and the Department BEG and set a new OEG that would, based on recent data, be more difficult to achieve. This would result in more fishing time in the Wood River Special Harvest Area.

BACKGROUND: Prior to the advent of sonar the Nuyakuk Tower was the main management tool on the Nushagak River system. At that time the escapement goal on the Nuyakuk was 500,000 sockeye. Once sonar became available a new camp on the lower Nushagak River was constructed to collect escapement data. The escapement goal became 550,000 on the Nushagak assuming that 500,000 would go up the Nuyakuk. The Nuyakuk River drains the Tikchik Lakes and is the only system with large lakes on the Nushagak River. The Board further adjusted this in 1997 when they implemented an OEG of 235,000. This OEG, 105,000 fish less than the low end of the Department's biological escapement goal, was to provide economic relief and was originally scheduled to sunset after the 2000 season. The Board revisited the issue at the January 2001 meeting and implemented a variable goal mandating the Department to manage for the OEG when the forecast is less than 1 million fish returning to the Nushagak and for the BEG when the forecast is greater than 1 million. The forecast is also to be reevaluated the first week of July with the escapement target adjusted accordingly.

Since sockeye generally require a lake to rear in for the first year or two of life, it was assumed that most sockeye would go into the Nuyakuk system with its large lakes. The proportion of sockeye counted at the sonar counter at Portage Creek that are subsequently counted past the Nuyakuk tower has varied considerably, from over 80% to 25%. Although we are not sure why there is so much variation, our data indicate that sockeye that return to the Nuyakuk produce at a much higher return per spawner rate than fish that go to other parts of the Nushagak.

DEPARTMENT COMMENTS: The Department **SUPPORTS** the concept and purpose of this proposal, adequate sockeye salmon escapement into the Nuyakuk River system. However, management actions taken to achieve the BEG range for the Nushagak River will generally allow adequate escapement into the Nuyakuk River. There are concerns regarding managing for the OEG of 235,000 sockeye into the Nushagak River as this level of escapement leads to Nuyakuk sockeye escapements well below the level indicated by BEG analysis. Since the Nuyakuk counting tower project has been cut due to reduced funding levels, the Department does not have any enumeration project on the Nuyakuk River to address this proposal if passed.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **12-HOUR DRIFT OPENINGS: Proposal 70**

**PROPOSAL 70: Pages 72-73. 5 AAC 06.320. Fishing seasons and periods and 5 AAC 06.331 Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposals would require managers to open the drift gillnet fishery for a minimum of 12 hours.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow for managers to control opening length time as necessary to meet escapement goals and allocation targets.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would take away much of the flexibility that mangers have in responding to pulses of fish and would make achieving the allocation goals mandated by the Board even more difficult.

BACKGROUND: Fishing periods have varied in length from a few hours to continuous fishing since emergency order management.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal because it reduces management flexibility.

COST ANALYSIS: The Department believes that a mesh restriction regulation would result in an increase in cost for a person to participate in this fishery. The additional cost will be for purchasing new gear and could range from \$2000.00 to \$6000.00. Gear costs were estimated at four 25-fathom shackles at \$500.00 per shackle and six 50-fathom shackles at \$1000.00 per shackle for drift netters.



## **COMMITTEE E: ALLOCATION (14 Proposals)**

### **APPLY ALLOCATION PERCENTAGE TO NAKNEK SPECIAL HARVEST AREA: Proposals 57 and 59**

**PROPOSAL 57: Pages 59-60. 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan and 5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would bring the allocation plan currently in place for the Naknek/Kvichak District into the Naknek River Special Harvest Area (NRSHA). It would also change the wording in 5 AAC 06.360 (c) "The drift gillnet and set gillnet fisheries will open separately with (alternating) nonconcurring openings between the two gear groups beginning with the drift gillnet fishery.

WHAT ARE THE CURRENT REGULATIONS? When fishing in the NRSHA, the allocation plan is not in effect, allocation is by fishing gear groups separately and by alternating the periods between the gear groups.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Department would attempt to distribute the sockeye salmon harvest between the gear groups: 84% drift, 16% set gillnet gear. Currently, the Department alternates the periods between the gear groups when in the NRSHA. To accomplish the allocation split, the Department would not alternate periods between gear groups.

BACKGROUND: During the past 3-years, the fishery has occurred predominately in the NRSHA; the drift gillnet harvest percentage has been 78% in 2001, 65% in 2002 and 67% in 2003.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This proposal is an allocation issue.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 59: Page 61. 5 AAC 06.364. Naknek/Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would include Naknek River Special Harvest Area (NRSHA) in the current Naknek/Kvichak District allocation plan (5 AAC 06.364).

WHAT ARE THE CURRENT REGULATIONS? Since it is not part of the Naknek/Kvichak District, fishing periods in the NRSHA are not subject to the allocation plan; allocation is by fishing gear groups separately and by alternating the periods between the gear groups.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Department would attempt to distribute the sockeye harvest between the gear groups: 84% drift, 16% set gillnet gear. The Department would still alternate between gear groups just reduce fishing time for the group that is currently ahead.

BACKGROUND: During the past 3-years when the fishery has occurred predominately in the NRSHA, the drift gillnet harvest percentage has been 78% in 2001, 65% in 2002 and 67% in 2003.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This is an allocation issue.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **RESERVE UNUSED ALLOCATIONS: Proposal 87**

### **PROPOSAL 87: Page 84. 5AAC 06.355 Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require the Department to manage the salmon fishery to provide a harvest the following year for the gear group that received less than their allocation during the previous year, and this harvest would occur before working on the allocation for that year.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not address any imbalances in allocations from one year to the next.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: The effects of this proposal would likely vary by district. In Egegik, for example, the 1999 one percent imbalance would mean that approximately 71,327 fish would need to be harvested by drift gillnet fishers at the start of the fishing season in 2000 before setnetters would be allowed to fish. That would have meant that in 2000 setnetters would not have fished until about June 21. In 2000, the imbalance of 2% would have meant that drift gillnet fishers would have to catch approximately 139,232 sockeye salmon in 2001 before set gillnet fishers would be allowed to start fishing. Again, a wait for setnetters until about June 20, assuming that most setnet fish that were caught, would have been caught by drift gillnet fishers, which may not be the case. In 2002 the imbalance of 1% or 45,930 sockeye salmon would have held off set gillnet fishing in 2003 until after June 22. In 2003 a 5% difference or approximately 111,000 fish may likely hold off set gillnet fishing in 2004 until after June 22. On average, Egegik set gillnet fishers may not fish until after June 19 if this proposal were adopted. In Ugashik the allocation difference has ranged from 1% to 10% over for set gillnet fishers or approximately 18,500 to 45,100 sockeye salmon to set gillnet fishers. If this proposal were adopted then set gillnet fishers in Ugashik would not have fished in the subsequent years until anywhere from June 18 until after July 5, and on average not until after June 23. Other districts may have better or worse scenarios.

BACKGROUND: See the written Report To The Alaska Board of Fisheries entitled "SUMMARY OF BRISTOL BAY SOCKEYE SALMON CATCHES BY GEAR TYPE 1965 TO 2003".

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This proposal is an allocation issue.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **ELIMINATE ALLOCATION PLANS: Proposals 81, 82, 88, 89**

### **PROPOSAL 81: Page 80. 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the allocation plan. Districts would be managed as they were prior to changes in 1997.

WHAT ARE THE CURRENT REGULATIONS? Each district (except Togiak) has an allocation plan assigning a historical proportion of the sockeye harvest between drift and set gillnet users.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The fisheries would be managed as they were prior to the 1997 BOF meeting when gear groups were opened simultaneously and no allocative mechanisms were in place.

BACKGROUND: See “Summary of Bristol Bay Sockeye Salmon Catches by Gear type 1965-2003” in the written report section to the BOF.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This proposal is an allocation issue.

COST ANALYSIS: The Department believes that adoption of this proposal is not anticipated to result in additional direct cost for a private person to participate in this fishery.

**PROPOSAL 82: Pages 80-81. 5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Allocation and Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would repeal (5AAC 06.367 Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Allocation and Management Plan) the current allocation plan between set and drift gillnet gear groups in the Nushagak District.

WHAT ARE THE CURRENT REGULATIONS? Currently, the fishery is managed so that the harvestable surplus is taken by each gear group with a specific allocation target percentage, which was developed during the 1997 BOF meeting.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Go back to status quo; manage the harvestable surpluses with both gear groups fishing simultaneously.

BACKGROUND: The BOF developed an allocation plan for the Nushagak District that provided a certain percentage of the harvestable surpluses based on historical proportions by each gear group (26% set and 74% drift). The current allocation plan allows the Department to fish the gear groups separately.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This is a gear allocation issue. However, the current tools that have come about as a result of managing gear groups separately due to the allocation plan are useful in some scenarios. In 2003 the ability to fish gear groups separately was very useful. Department staff received a considerable number of positive comments about the way fish dispersed through the district as a result of being able to start the drift opening separate from the set gillnet opening. Additionally, while the allocation goals were not achieved and the set gillnets caught only 16% of the sockeye harvest rather than 26% allocation target; without the allocation plan we believe fishers would have caught far less than that.

COST ANALYSIS: The Department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 88: Page 84. 5AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would repeal 5AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: The Egegik District fishery would no longer be managed for an allocation of the sockeye salmon harvest.

BACKGROUND: This plan was established at the Board of Fisheries meeting in Naknek in November of 1997, and it has been in affect for the last six years. The established allocations are 14% for set gillnet and 86% for drift gillnet fishers. The table below shows the results over the last six seasons.

	Set Gillnet Catch		Drift Gillnet Catch	
	inseason	postseason	inseason	postseason
1998	14%	14%	86%	86%
1999	15%	15%	85%	85%
2000	16%	16%	84%	84%
2001	14%	15%	86%	85%
2002	15%	15%	85%	85%
2003	19%	20%	81%	80%

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This is an allocation issue.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 89: Pages 85-86. 5 AAC 06.320. Fishing seasons and periods and 5 AAC 06.331 Gillnet specifications and operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would require managers to open the drift gillnet fishery for a minimum of 12 hours and would require a minimum mesh size of 5 3/8 inches.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow for managers to control opening length time as necessary to meet allocation and escapement goals. Mesh restrictions vary and are for the conservation of various species. When an opening is for the conservation of chinook salmon, the mesh must be 5 1/2 inches or less.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would take away much of the flexibility that managers have in responding to pulses of fish and would make achieving the allocation goals mandated by the Board even more difficult.

Additionally, this proposal would place a mesh restriction in districts that can have a very high component of smaller, 2-ocean fish. These proposed mesh restrictions could cause a higher exploitation rate on larger three-ocean fish and alter the age structure of returning runs. Escapements weighted with smaller fish would likely mean fewer eggs being deposited on the spawning grounds. Smaller eggs may also produce smaller fry with lower survival rates (Cross, 1997, intra-agency memo).

BACKGROUND: Minimum mesh restrictions were in place for Bristol Bay Districts in the past. Prior to 1985 gillnets in all districts were required to be of at least 5 3/8 inch mesh before July 15. This requirement was dropped in November 1984 based on research done by Brian Bue. Bue concluded that there is some gillnet mesh selectivity taking place and that a 5 and 3/8 inch mesh restriction may be effective in allowing smaller females to escape while harvesting more males. The study also states that regardless of mesh size exploitation rates must be low enough to allow significant numbers of fish through the fishery (Bue 1986). Since this change, the Department has used minimum mesh size requirements to address conservation concerns on a species-specific basis by district.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal. The Department has concerns regarding the effect of mesh selectivity on the resulting escapements. The proposed regulations would likely force management into certain courses of action, for example, continuous fishing, to hold back excess escapements in order to meet management objectives. The Department also believes that this proposal would take away management flexibility.

COST ANALYSIS: The Department believes that a mesh restriction regulation would result in an increase in cost for a person to participate in this fishery. The additional cost will be for purchasing new gear and could range from \$2000.00 to \$6000.00. Gear costs were estimated at four 25-fathom shackles at \$500.00 per shackle and six 50-fathom shackles at \$1000.00 per shackle for drift netters.

## **ADJUST ALLOCATION PLANS: Proposals 83, 84, 85, 86**

### **PROPOSAL 83: Page 81. 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require managers to give a fishing period to the gear group that was closed for two tides when it is apparent that the gear group allowed to fish by themselves will not catch up to their allocation of the harvest within two tides.

WHAT ARE THE CURRENT REGULATIONS? Present regulations do not restrict the amount of fishing time managers may schedule for a gear group in order to achieve harvest allocations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: If this proposal were adopted, it will restrict management flexibility for achieving the allocation targets and will likely result in greater allocation discrepancies.

BACKGROUND: The Board established the current allocations in 1997. The results of management can be found in the report entitled: SUMMARY OF BRISTOL BAY SOCKEYE SALMON CATCHES BY GEAR TYPE, 1965-2003. Generally, gear harvests have been within a few percentage points of their allocations. At times, this has meant that one gear group may watch the other fish for several periods, but there have also been times when a gear group was put back into the water, even though they were ahead on their allocation, because surplus fish were not being stopped sufficiently by the one gear fishing alone.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal because it would take away management flexibility towards achieving allocations. It would also likely result in greater allocation imbalances.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 84: Pages 81-82. 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would prevent any proposals or changes to old proposals from affecting a “fishery manager’s responsibility” to achieve the gear group catch percentages in the allocation plan.

WHAT ARE THE CURRENT REGULATIONS? Currently, harvestable surpluses are managed for a set allocation between gear groups, to the extent practicable, which was developed during the 1997 BOF meeting.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Managers would have to restrict the gear type that was ahead in their harvest percentage while the other gear type catches up. In the meantime, escapement could exceed the range of the BEG while economic opportunity is lost and one gear type waits.

BACKGROUND: In 1997, the BOF adopted allocation plans for four of five salmon districts in Bristol Bay to ensure equitable distribution of fish between the two gear types. The Board was then going to revisit the allocation scheme and assess it during the 2000 Board cycle. The Board changed some of the calculation dates for allocation during the 2001 meeting but didn’t have the time to examine the overall functionality of the allocation plan or delve into specific issues stemming from the advent of inriver special harvest areas.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal as far as allocation is concerned. The Department opposes any interpretation of this proposal that would require managers to forsake harvest opportunity for allocation goals or anything else that interferes with subsection (c)(1) “priority will be given to achievement of biological escapement goals, to maintaining genetic diversity throughout the Bristol Bay Area and by districts, and to provide harvestable surplus to users.”

COST ANALYSIS: The Department believes that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery because fishing opportunity would not be maximized.

**PROPOSAL 85: Page 82. 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would throw out the current allocation or perhaps substitute a revised plan when there are fewer than 600 drift vessels fishing the Egegik District.

WHAT ARE THE CURRENT REGULATIONS? Under the current regulation, the Department is to manage for the established allocations regardless of the number of drift vessels and set gillnet gear participating in the Egegik District fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED: Getting rid of the allocation could simplify the management of the Egegik District fishery. With no specific course of action given by the author, it is impossible to comment on the effect of a revised allocation.

BACKGROUND: Allocations were established in 1997 in four of the 5 districts in Bristol Bay; Togiak was excluded. They were based on a 20-year (1978-1997) average harvest by gear group with an additional one or two percent added to the set gillnet gear allocation. The following table shows the average number of permits that fished the Egegik District from 1978 to 1997.

	Drift Gillnet Permits	Set Gillnet Permits
1978-1997 (20-year)	762	199
1978-1987 (first 10-years)	552	182
1988-1997 (last 10-years)	972	215

DEPARTMENT COMMENTS: The Department is **NEUTRAL** regarding this proposal. This is an allocation issue.

COST ANALYSIS: The department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**PROPOSAL 86: Page 83. 5 AAC 06.364 Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. 5 AAC 06.366 Ugashik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. 5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would throw out the current allocations and calculate new ones by taking the total fish caught by each gear group during a 20 year period and use those proportions to figure the harvest allocations.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allocate the harvest in the four districts as follows:

	Drift Gillnet Gear	Set gillnet Gear
Nak-Kvi	84%	16%
Egegik	86%	14%
Ugashik	90%	10%
Nushagak	74%	26%

These numbers are based on the 1978 to 1997 average harvest proportions with one or two percentage points added to the calculated set gillnet proportions.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Using the author's method, the following numbers from 1978 to 1997 would be used to calculate allocation percentages:

	Drift Gillnet Gear	Set gillnet Gear
Nak-Kvi (1978-1997)	186 million fish 88%	25 million fish 12%
Egegik (1978-1997)	140 million fish 90%	16 million fish 10%
Ugashik (1978-1997)	52 million fish 93%	4 million fish 7%
Nushagak (1978-1997)	56 million fish 74%	20 million fish 26%

BACKGROUND: When allocations were established in 1997, they were based on a 20-year, 1978 to 1997, average harvest proportions by the gear groups. Togiak was excluded from the allocation plan due to recent adoption of the Togiak District Salmon Management Plan. An additional percentage point was given to set gillnet gear in Egegik and Ugashik Districts and two percentages point were given to set gillnet gear in Naknek-Kvichak and Nushagak Districts. Committees were formed from each district with representatives from both drift gillnet and set gillnet fishers and reported back to the Board with allocation recommendations that were adopted.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. This is an allocation issue.

COST ANALYSIS: The Department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

## **INDIVIDUAL FISHING QUOTAS (IFQS): Proposals 90, 91**

### **PROPOSAL 90: Page 86. 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal, although not clearly stated, asks for an IFQ system in Ugashik District. This would be the test area for Bristol Bay. This proposal is vague; it doesn't specify how the IFQ system would be run and what would determine an individual's harvest quota.

WHAT ARE THE CURRENT REGULATIONS? There is no IFQ system in Bristol Bay, permit holders register for a specific district and must wait 48-hours if they decide to transfer to a different district. Districts are open to commercial fishing by all permit holders registered for the district if sockeye escapement is tracking at or above historical curves. Permit holders are allowed to harvest as much as they can during the open period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Since the proposal is so vague, no idea as the effects if adopted.

BACKGROUND: Currently, the systems are managed based on current escapement trends to the specific rivers. When escapement is within range of historical run curves, commercial fishing is permitted.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal due to the vague wording and other issues regarding the Department's ability to determine how many fish are present and how many need to be taken in an IFQ opening.

COST ANALYSIS: The Department believes adoption of this proposal would not result in additional direct cost for a private person to participate in this fishery.

**PROPOSAL 91: Page 87. 5 AAC 06.3XX. Bristol Bay Salmon Fishery.**

WHAT WOULD THE PROPOSAL DO? This proposal would create an IFQ system in Bristol Bay. The allocation for each permit would be determined by using the past 10-year catch history, this includes all river systems for each individual. Permit holders would have a daily quota based on the projected run to each district.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Department manages each district separately; permit holder's register for a specific district to fish. Fishing time for a specific district is determined by current escapement counts,

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Individual permit holders would have a set limit to catch on a daily basis, based on their historical catch history.

BACKGROUND: This has not been attempted anywhere for salmon a migratory species.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The proposal doesn't specify whether a person would have a specific quota for each district if over the past 10-years the individual fished in all districts. Would the individual be allowed to harvest their entire quota from just one district? The proposal states daily catch numbers, which indicates the district would be open each day for the individual to harvest their quota. The Department has not yet been able to project what the catch would be during a given fishing period, so to determine the "Total allowable catch for the opening" (TACO) is not possible. Reports from the grounds are not timely or accurate enough to actively manage with any kind of accuracy to increase or decrease the TACO during a period. The Department would also invite comment from the Department of Law regarding the feasibility of IFQs based on historical catch.

COST ANALYSIS: The Department believes adoption of this proposal would not result in additional direct cost for a private person to participate in this fishery.

## **PULSE CHINOOK SALMON PAST COMMERCIAL GEAR: Proposal 100**

### **PROPOSAL 100: Page 97. 5 AAC 06.361(b)(2). Nushagak-Mulchatna Chinook Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the wording of this regulation from “shall attempt to” to “will” in regards to scheduling commercial openings to provide pulses of fish into the river that have not been subjected to harvest by commercial gear.

WHAT ARE THE CURRENT REGULATIONS? The current regulations say the Department shall attempt to schedule commercial openings to provide pulses of fish into the river that have not been subject to harvest by commercial gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal could mean anything from no more directed chinook salmon openings to no change in current management practices. There are several questions that need to be answered before we understand what the effects of this proposal would be. For example: how many fish make up a pulse?; how will it be determined when an unfished pulse has passed through the fishery?; who will determine when an unfished pulse has passed through the fishery?; and what will be the recourse of the other stakeholders if they disagree with any of the above.

BACKGROUND: The language referring to “allowing pulses” of chinook salmon to enter the river was added to the management plan in 1997 after the department described to the Board how it was currently managing the chinook salmon fishery in the Nushagak District. At the time, there was some concern regarding the composition of the chinook salmon escapement in the Nushagak River. AWL information indicated that the escapement was comprised of a higher proportion of younger, male fish than the commercial harvest in the district. The theory was that the commercial fishery was selecting for larger, female fish and thus skewing the sex ratio. Since 1999 there have been a total of 7 directed chinook salmon openings, one in 1999, four in 2002, and two in 2003. The chinook salmon escapement has exceeded the inriver goal of 75,000 each of the last three years but was below that goal in 1999 and 2000. Since this regulation was passed, the Department has done the best it could to manage for the escapement and provide breaks between directed chinook salmon openings.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. This proposal would probably eliminate the possibility of any commercial chinook salmon openings. This proposal reduces the flexibility of the Department to manage the fishery.

COST ANALYSIS: This potential would cost the annual value of the directed Chinook salmon fishery.



## **COMMITTEE F: SPORT FISH (8 Proposals)**

### **NUSHAGAK-MULCHATNA KING SALMON**

**PROPOSAL 92, PAGE 88: 5 AAC 67.020(1), Bag limits, possession limits, and size limits for Bristol Bay Area. 5 AAC 67.022(g), Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. 5 AAC 06.361 Nushagak-Mulchatna Chinook Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow anglers to harvest 10 jack king salmon less than 20 inches in length per day in the Nushagak-Mulchatna drainage. These fish would not count against the anglers' daily or seasonal limit of king salmon 20 inches or more in length nor would they count toward the sport fishery guideline harvest level (GHL) of 5,000 fish established in the Nushagak-Mulchatna Chinook Salmon Management Plan.

WHAT ARE THE CURRENT REGULATIONS? The current bag and possession limit for king salmon in the Nushagak-Mulchatna drainage is 2 per day only 1 over 28 inches in length and a seasonal limit of 4. There are currently no regulations specific to "jacks" in the Nushagak-Mulchatna drainage and they are included in daily and seasonal limits as well as the 5,000 fish GHL for the sport fishery described in the Nushagak-Mulchatna Chinook Salmon Management Plan. The GHL is only in effect if the inriver run projection is less than 75,000 fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would align the bag and possession limits for jack king salmon in the Nushagak/Mulchatna Drainage with the current statewide bag and possession limits found in 5 AAC 75.018. It would allow anglers the opportunity to harvest jack king salmon less than 20 inches in length without these fish being counted against the daily and seasonal bag limits for king salmon 20 inches or more in length. A reduction of jack king salmon in the spawning population is not anticipated to affect overall spawning success nor influence the proportion of jack king salmon in future returns. Due to their small size and low numbers, jack king salmon do not contribute significantly to subsistence gill net harvests.

BACKGROUND: Management of Nushagak River king salmon fishery is governed by the Nushagak-Mulchatna Chinook Salmon Management Plan which was adopted by the Alaska Board of Fisheries (BOF) in January of 1992, and amended in 1995, 1997, and 2001. The purpose of this management plan is to ensure that the biological escapement goal of at least 65,000 fish is met for king salmon in the Nushagak – Mulchatna river systems. This spawning escapement requirement has been attained in 9 of the past 12 years, with 2000 being the last year that the escapement goal of 65,000 fish was not met.

In January 2001, the Alaska Board of Fish adopted a statewide regulation allowing a daily bag limit of 10 king salmon less than 20 inches total length (508 mm TL). The board specifically excluded the Nushagak Mulchatna River drainage from this statewide regulation until ADF&G could evaluate the potential effects that adoption of the regulation would have on the spawning

populations and on achieving the escapement goal. Using historical data, the Department evaluated the proportion of king salmon less than 20 inches in length that contributed to the annual Nushagak River king salmon escapement estimates during the years 1991 to 2001. The results indicated that, from 1991 to 2001, the estimated annual proportion of king salmon in the escapement that were less than 20 inches in length ranged from 0.9% in 1993 to 3.8% in 2000, the average for those years being 1.7%. Applying this calculated range of jack king salmon to the 1992-2001 average spawning escapements of 73,824 produces a range of 664 to 2,805 jack king salmon.

A creel survey conducted on the Alagnak River, where the statewide jack king salmon bag and possession limits are in effect, found that during 2001 and 2002, less than 4% of the sampled harvest were king salmon less than 20 inches in length. This indicates, at least in the Alagnak River king salmon fishery, that harvest patterns changed very little due to the adoption of a separate bag limit for jack king salmon of less than 20 inches.

DEPARTMENT COMMENTS: Currently, all king salmon, regardless of size, that are harvested by recreational anglers in the Nushagak/Mulchatna drainage, count towards the 5,000 fish GHIL outlined in the management plan when the GHIL is in effect. Therefore, removal of jack king salmon from counting towards this GHIL could be interpreted as having allocative implications and the department is **NEUTRAL** on these aspects of the proposal.

However, the Department **SUPPORTS** the other concepts within this proposal. Adoption of this proposal would align regulations in the Nushagak/Mulchatna drainage with regulations covering the remainder of the state. This proposal will also increase harvest opportunity, it targets a relatively underutilized segment of the king salmon return who's harvest will not come at the expense of other user groups, and will not have a measurable impact on the spawning escapement.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## BRISTOL BAY AREA

### **PROPOSAL 93, PAGE 90: 5 AAC 67.022(b) Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require anglers to fish from the shoreline or from a drifting boat in the Ugashik River Drainage from July 1 to December 31.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations requiring anglers to fish from shoreline or a drifting boat in the Ugashik River Drainage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the ability to wade or anchor a boat while fishing and would reduce access to recreational fishing opportunities in the Ugashik River Drainage.

BACKGROUND: Wading and anchoring of boats are common means of accessing fishing locations in many of the watersheds of Bristol Bay. In locations such as small streams or wide, shallow areas of rivers, boat travel is difficult and wading is necessary to effectively sport fish. A study examining egg mortality due to wading indicates that the highest mortality from wading occurs on hatching eggs and pre-emergent fry (between the start of the eyed-stage and hatching), which occurs over 3 months after spawning for sockeye salmon. Mortality due to wading was lowest (4-10% of total eggs) during a 90-day period of egg development between fertilization and eyeing (when anglers are present in Bristol Bay watersheds). During the most sensitive time of egg development in early winter, eggs and fry are not exposed to wading anglers. Mortality decreases with egg depth in the gravel. The study examining wading mortality was conducted in a laboratory setting with eggs buried under 15 cm of gravel while the depth of sockeye eggs in a natural setting is generally 15-23 cm.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. This proposal would restrict access to and alter the conduct of many sport fisheries in the Ugashik River Drainage where there is currently no biological concern and where current regulations provide adequate protection to salmon populations. Additionally, the Ugashik River Drainage, like most river drainages in Bristol Bay, does not appear to be spawning habitat limited and the areas utilized by recreational anglers is a very small proportion of the overall habitat available for spawning salmon. The dates encompassed by this proposal include more than a month long period prior to when most salmon species begin spawning in the drainage. A regulation mandating that anglers fish from shore carries with it the possibility of increasing damage to near shore and riparian habitats and subsequent erosion at popular locations. Adoption of this proposal will have neither a significant nor a measurable impact on the overall spawning success of salmon in Bristol Bay. Altering the behavior of anglers who wade near spawning redds or in known spawning habitat is best addressed through education and not regulation.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## **TAZIMINA RIVER MOTORIZED BOAT USE**

**PROPOSAL 94, PAGE 90: 5 AAC 67.022(e)(10) Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? This proposal seeks to eliminate the use of motorized boats in the Tazimina River.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations restricting motorboat use in the Tazimina River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the use of all motorized boats on the Tazimina River for some undetermined period of time.

BACKGROUND: The Tazimina River drains Upper and Lower Tazimina Lakes over a distance of approximately 17 miles into Six Mile Lake of the Lake Clark drainage. A series of falls limits boat traffic to an 8.5 mile stretch of the lower river. The Sport Fish Division's Statewide Harvest Survey has documented recreational fishing effort on the Tazimina River since 1996. Effort in angler-days has been relatively low with a recent 5-year average of 305 angler-days. The last in-depth survey of recreational angling for the Tazimina River occurred during 1987 and 1988. This Department survey documented boat traffic, recreational angler effort, and information on sockeye salmon and rainbow trout stocks in the drainage. Rafts accounted for 33% of the boat traffic and jets boats accounted for 46% during the 1987 study. In 1988, the percentages were 22% and 60% respectively. At the time, rainbow trout and sockeye salmon stocks were considered healthy and angling effort was considered moderate. More recent reports indicate that effort has decreased since the study.

A 1994 masters thesis examining the effects of jet boats on salmonid embryo survival indicated that the movement of gravel was a cause of embryo mortality. This study found that gravel movement from jet boats was restricted to a 12 to 24 inch wide area immediately underneath the boat. Significant mortality was only documented in this area of disturbance in water less than 23 cm deep (9 inches). Mortality was insignificant at water depths of greater than 23 cm. A sample of 192 sockeye redds was examined in the Tazimina River in 1987 and water depth over redds was measured. The average water depth over redds was 66 cm (26 inches) with most redds located in water depths of 40 to 80 cm (16 to 32 inches). These results would indicate that few, if any, sockeye redds are being adversely impacted by jet boat use in the Tazimina River.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. There are many streams in Bristol Bay that are heavily utilized by boats that have healthy fish stocks and research suggests that boat activity has not significantly impacted the reproductive success of these stocks.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## **ALAGNAK RIVER DRAINAGE**

### **PROPOSAL 95, PAGE 91: 5 AAC 67.022(f) Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would close sport fishing for king salmon above Grassy Point in the Alagnak River and would further require that all hooks used above Grassy Point to have a gap no greater than ½ inch between point and shank.

WHAT ARE THE CURRENT REGULATIONS? In the Alagnak River drainage, excluding waters in lakes more than a ½ mile radius from inlet or outlet streams, only unbaited, single-hook, artificial lures may be used year-round. The drainage is closed to all sport fishing from April 10 to June 7. The current bag and possession limit for king salmon 20 inches or longer on the Alagnak River is 3 per day, 3 in possession, only 1 over 28 inches and a seasonal limit of 5. For king salmon less than 20 inches in length, the bag and possession limit is 10 per day, 10 in possession with no seasonal limit. A spawning season closure to protect king salmon takes effect after July 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the opportunity to sport fish for king salmon above Grassy Point. Currently, guided clients staying at riverside lodges and fly-in clients from remote lodges account for a majority of the angling effort targeting king salmon. Most of the effort directed towards king salmon is expended in the lower river, below Grassy Point. An area closure for king salmon fishing above Grassy Point is unlikely to cause a measurable reduction in the king salmon catch or harvest nor displace a significant number of anglers. Anglers seeking to target king salmon would need to be aware of the boundary where the regulation takes effect, choose where they want to fish and adjust their target species accordingly. Anglers accessing the area by rafting downriver prior to the spawning season closure would also need to be aware of the boundary and adjust their fishing accordingly. Sport fishing for other species would still be allowed above Grassy Point and would require the use of single hooks with a gap no greater than ½ inch between point and shank. Much of the angling effort that occurs above Grassy Point is directed towards resident species such as rainbow trout and grayling although chum and coho salmon are also targeted.

BACKGROUND: King salmon escapement in the Alagnak River drainage has been monitored by aerial surveys since 1970. The average escapement count from 1970 to 2002 has been 4,933 fish. Above average counts were documented in the mid 70's and mid 90's. The recent 5-year average count of 4,366 fish is within the historical range of counts. The Alagnak River has the 3<sup>rd</sup> highest catch of king salmon of the sport fisheries in Bristol Bay. The recent 5-year average catch has been approximately 3,912 king with a harvest of 674. The sport catch has declined in recent years corresponding to a decrease in sport effort since 1997. The majority of angling effort for king salmon occurs in the lower river below Grassy Point, but does expand upriver later in the season. The majority of spawning occurs in and above the braided section of the rivers above Grassy Point.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal, as it does not appear necessary to reduce the catch or harvest of king salmon in the Alagnak River for conservation purposes at this time. Recent escapements have been near or have exceeded the long-term average escapement. Additionally, the established July 31 spawning season closure affords adequate protection to spawning fish in this drainage. Observations made during aerial surveys suggest that Alagnak River king salmon do not commence spawning until early August in the braids of the river, therefore this action is not necessary to prevent sport fishing for spawning king salmon. The river is currently restricted to single-hook lures; the restriction of gap size to less than ½” would make it necessary for fishermen targeting large salmon other than king salmon to use an inadequate hook size for the targeted species.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## **WOOD RIVER DRAINAGE – AGULUKPAK RIVER**

### **PROPOSAL 96, PAGE 92: 5 AAC 67.022(h)(3) Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would eliminate guided fishing from the outlet of Lake Beverly to the island located 1.2 miles downstream in the Agulupak River from 7:00 p.m. until 6:00 a.m. daily.

WHAT ARE THE CURRENT REGULATIONS? The Wood-Tikchik State Park Management Plan (under 11 AAC 20.365 & 20.395) limits the number of client days on the Agulupak River as part of its commercial use permitting system. Between 6 a.m. and 6 p.m. daily, 25 client days are allowed; afterwards, (between 6 p.m. and 6 a.m.), an additional 25 client days are allowed. This limit does not apply to unguided users or the guides themselves.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would eliminate all fishing opportunity for guided anglers on the Agulupak River from 7:00 p.m. until 6:00 a.m. daily, thereby overriding the DNR commercial use permitting system currently in place.

BACKGROUND: The Agulupak River is located in the Wood-Tikchik State Park and flows for approximately 1.5 miles between Lake Beverly and Lake Nerka. The majority of the river is designated as fly-fishing-only catch and release for rainbow trout under the Southwest Alaska Rainbow Trout Management Plan. The majority of angling occurs in the upper 1-mile section of the river. Some guided clients are transported to the area daily by floatplane while others, with relatively close access from nearby lodges or camps, can access the area by boat. Angler-days, as estimated by the division's statewide harvest survey, are relatively high for the size of the river, with a recent 5-year average of 1,216 angler-days. A creel survey conducted in 1996 indicated that the majority of anglers were guided (85%). Between 1 and 19 anglers were observed on the river every day of the survey. At that time, the rainbow trout stock was considered healthy and size composition was similar to historical data. Sampling during the fall of 2003 by ADF&G staff indicate that the Agulupak River stock of rainbow trout remains healthy.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** in regards to this proposal as it is allocative between guided and unguided anglers. There are also competitive issues related to this proposal between those guide businesses that have relatively easy boating access to the river and those that must fly clients to the area. Adoption of the proposal is not intended or needed for conservation purposes. The Agulupak stock of rainbow trout appears healthy and current regulations provide adequate protection of this stock.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## **BRISTOL BAY AREA - KING SALMON**

### **PROPOSAL 97, PAGE 93: 5 AAC 67.022(j) Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require that any king salmon removed from the water in all freshwater drainages from Cape Menshikof to Cape Newenham be retained and becomes part of the bag limit of the person originally hooking it. A person who intends to release a king salmon in these waters may not remove it from the water before releasing it.

WHAT ARE THE CURRENT REGULATIONS? Current regulations require any king salmon removed from freshwater drainages of Bristol Bay from Cape Menshikof to Cape Constantine to be retained and become part of the bag limit of the person originally hooking it. A person who intends to release a king salmon in these waters may not remove it from the water before releasing it.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would add waters from Cape Constantine to Cape Newenham to the current regulation. This regulation would then apply to all king salmon fisheries in the Bristol Bay Management Area as well as most waters of south-central Alaska.

BACKGROUND: During the 2000/2001 Alaska Board of Fish meeting, the Board adopted a regulation requiring any king salmon removed from freshwater drainages of Bristol Bay between Cape Menshikof and Cape Constantine be retained and will become part of the bag limit of the person originally hooking it. The waters between these two capes encompass the primary king salmon sport fisheries in Bristol Bay. A number of proposals at that meeting were directed towards the recreational king salmon fisheries in the Nushagak, Mulchatna and Naknek Rivers. The committee discussed methods of reducing mortality of king salmon being released in the sport fishery, which led to the adoption of the current regulation in 2000/2001. Drainages from Cape Constantine to Cape Newenham were not included in the discussions as there were no proposals directed at king salmon fisheries in these waters.

Several king salmon sport fisheries occur from Cape Constantine to Cape Newenham including the Togiak River. From 1997 to 2001 an average of 4,209 king salmon were released annually in the western section of Bristol Bay.

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. Adoption of this proposal would align regulations in the western section of the BBMA with the remainder of the area and with most freshwater fisheries in South-Central Alaska.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## **NUSHAGAK-MULCHATNA KING SALMON**

### **PROPOSAL 98, PAGE 94: 5 AAC 06.361 Nushagak-Mulchatna Chinook Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require the Department to issue an emergency order reducing the daily bag limit of king salmon in the Nushagak/Mulchatna drainage from two to one when the inriver projections at the Portage Creek sonar are between 55,000 and 75,000 king salmon.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 06.361(d)(1) provides direction to the Department to close directed commercial fisheries for king salmon in instances when the spawning escapement is projected to exceed 40,000 fish but the inriver projection is expected to be below 75,000 fish. When the inriver projection is less than 75,000 king salmon, a guideline harvest level (GHL) of 5,000 king salmon is applied to the sport fishery.

When the in-river return is projected to be less than 55,000 fish and the spawning escapement projected to be greater than 40,000 fish, 5 AAC 06.361(d)(2) provides several options to the Department to reduce the catch and harvest of king salmon in the recreational fishery to ensure that the spawning escapement does not fall below 40,000 fish. These options include: A) reduction of the bag and possession limit to one fish; B) a seasonal limit up to four fish, C) prohibition of the use of bait; D) reductions in the time or area for fishing; E) a closure of the king salmon sport fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the opportunity to harvest more than one king salmon per day when the inriver is less than 75,000 king salmon. This would likely reduce the harvest of king salmon by less than 10% when inriver projections are between 55,000 and 75,000.

BACKGROUND: Management of the Nushagak king salmon fisheries is guided by the Nushagak-Mulchatna Chinook Salmon Management Plan. This plan was adopted by the Alaska Board of Fisheries (BOF) in January of 1992 and amended in January of 1995, November of 1997, and January of 2001. The purpose of this management plan is to ensure biological spawning escapement requirements of king salmon into the Nushagak–Mulchatna river system are met. A king salmon sport fishery GHL of 5,000 fish is in effect when the in-river return is projected to be less than 75,000 fish. An escapement projection of 75,000 fish is anticipated to be able to provide for a biological escapement goal of 65,000 fish, a sport fishery harvest of 5,000 fish, and reasonable opportunity for a subsistence harvest of king salmon. The Department does not have ability inseason to assess if the sport harvest is approaching or will exceed the 5,000 fish guideline harvest level. Currently, no emergency order action is required of the Department to restrict recreational fisheries when the inriver return is projected to be between 55,000 and 75,000 king salmon.

Emergency order action has been taken to restrict the recreational king salmon fishery in response to management plan directives in 1996, 1997, and 1999. In January of both 1996 and 1997, with low returns being anticipated for the coming season, the Department reduced the bag

limit for king salmon from 3 per day, only 2 over 28 inches to 1 per day, no size limit. Once the 1996 fishing season was underway, the bag limit was further reduced to zero (catch and release) on July 9 due to the low, inriver projections. In 1997, the fishery was additionally restricted to catch and release on June 30, however, post-season aerial surveys indicated that the sonar had likely undercounted the escapement by half and that restrictive measures need not have been implemented on the recreational fishery that year. In 1999, as a result of inriver projections being approximately 50% of the anticipated count, the Department issued an emergency order reducing the seasonal bag limit from 4 fish to 2 fish. In 2000, the inriver projection was 56,374 fish; slightly above the 55,000 fish action point outlined in the management plan and therefore, the Department did not impose any restrictions on the recreational fishery.

Respectively, sport harvests for 1996, 1997, 1999 and 2000 were 5,390, 4,237, 3,497, and 6,017 king salmon. As directed in 5 AAC 06.361(d)(2) of the management plan, the king salmon spawning escapement has not fallen below 40,000 fish in any year since the plan has been in place. In the three years when the 5,000 fish GHL for the sport fishery was in effect, it was exceeded twice, in 1996 (5,390 fish or 8% above) and 2000 (6,017 fish or 20% above). The recent 5-year average harvest in the sport fishery has been 5,060 king salmon. Although the 5,000 fish GHL was not in effect last year, the 2002 king salmon harvest estimate from the Statewide Harvest Survey was 3,942 fish. Nevertheless, it is reasonable to assume that interest and participation in this sport fishery will continue to grow.

DEPARTMENT COMMENTS: At present, when projections indicate the inriver abundance will fall between 55,000 and 75,000 chinook salmon, restrictions on the recreational fishery remain optional. The department does not have the ability to assess inseason if the sport fish harvest is approaching or will exceed the GHL. The department supports the proposal's intent to provide additional tools that can assist management objectives being effectively achieved. However, because this proposal mandates a 10% reduction, exclusively in the recreational fishery, when inriver projections are between 55,000 and 75,000 fish, the proposal is viewed as being primarily allocative in nature and the department is **NEUTRAL** with respect to this proposal.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

## NUSHAGAK-MULCHATNA KING SALMON

### **PROPOSAL 99, PAGE 96: 5 AAC 06.361 Nushagak-Mulchatna Chinook Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require the Department to reduce the seasonal bag limit of king salmon in the Nushagak/Mulchatna drainage from four to three by emergency order when the inriver projection at the Portage Creek sonar is less than 75,000 king salmon.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide several options to the Department to reduce the catch and harvest of king salmon in the recreational fishery when the in-river return is projected to be less than 55,000 fish with the spawning escapement projected to be greater than 40,000 fish. These options include: A) reduction of the bag and possession limit to one fish; B) a seasonal limit up to four fish, C) prohibition of the use of bait; D) reductions in the time or area for fishing; E) a closure of the king salmon sport fishery. When the inriver projection is less than 75,000 king salmon, a guideline harvest level (GHL) of 5,000 king salmon is applied to the sport fishery. However, when inriver projections fall between 55,000 and 75,000, the current plan does not mandate that emergency order actions be taken nor does it specify options for the Department to reduce harvest to remain at or below the 5,000 fish GHL.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would eliminate the opportunity to harvest more than 3 king salmon annually if the inriver projection is less than 75,000 king salmon. This would likely reduce the harvest potential of king salmon by 20 to 25 percent as most anglers harvest the annual bag limit.

BACKGROUND: Management of the Nushagak king salmon fisheries is guided by the Nushagak-Mulchatna Chinook Salmon Management Plan. This plan was adopted by the Alaska Board of Fisheries (BOF) in January of 1992 and amended in January of 1995, November of 1997, and January of 2001. The purpose of this management plan is to ensure biological spawning escapement requirements of king salmon into the Nushagak–Mulchatna river system are met. A king salmon sport fishery GHL of 5,000 fish is in effect when the in-river return is projected to be less than 75,000 fish. An escapement projection of 75,000 fish is anticipated to be able to provide for a spawning requirement of 65,000 fish, a sport fishery harvest of 5,000 fish, and reasonable opportunity for a subsistence harvest of king salmon. The Department does not have the ability inseason to assess if the sport harvest is approaching or will exceed the 5,000 fish GHL. Currently, no emergency order action is required of the Department to restrict recreational fisheries when the inriver return is projected to be between 55,000 and 75,000 king salmon. When inriver projections indicate that there are more than 40,000 but less than 55,000 fish, the plan provides options to the Department to restrict the recreational fishery so that the spawning escapement does not fall below 40,000 fish.

Emergency order action has been taken to restrict the recreational king salmon fishery in response to management plan directives during 1996, 1997, and 1999. In January of both 1996

and 1997, with low returns being anticipated prior to the season, the Department reduced the bag limit for king salmon from 3 per day, only 2 over 28 inches to 1 per day, no size limit. Once the 1996 fishing season was underway, the bag limit was further reduced to zero (catch and release) on July 9 due to the low, inriver projections. In 1997, the fishery was additionally restricted to catch and release on June 30 however, post season aerial surveys indicated that the sonar had likely undercounted the escapement by half and that restrictive measures need not have been implemented on the recreational fishery that year. In 1999, as a result of inriver projections being approximately 50% of the anticipated count, the Department issued an emergency order reducing the seasonal bag limit from 4 fish to 2 fish. In 2000, the inriver projection was 56,374 fish, slightly above the 55,000 fish action point outlined in the management plan, and therefore, the Department did not impose any restrictions on the recreational fishery. Respectively, sport harvests for 1996, 1997, 1999 and 2000 were 5,390, 3,497, 4,237, and 6,017 king salmon.

As directed in 5 AAC 06.361(d)(2) of the management plan, the king salmon spawning escapement has not fallen below 40,000 fish in any year since plan has been in place. In the three years when the 5,000 fish GHL for the sport fishery was in effect, it was exceeded twice, in 1996 (5,390 fish or 8% above) and 2000 (6,017 fish or 20% above). The recent 5-year average harvest (1997-2001) in the sport fishery is 5,060 king salmon. The 2002 king salmon harvest estimate from the Statewide Harvest Survey is 3,942 fish. Based upon trends in the fishery, it is reasonable to assume that interest and participation in this sport fishery will continue to grow.

DEPARTMENT COMMENTS: The department supports adjustments to the plan that would allow management objectives to be achieved. However, because this proposal mandates a 20 to 25% reduction, exclusively in the recreational fishery, when inriver projections are between 55,000 and 75,000 fish, the proposal is viewed as being primarily allocative in nature and the department is **NEUTRAL**.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.







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